

Register

November 4, 1974—Pages 38887-39015

MONDAY, NOVEMBER 4, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 213

Pages 38887-39015

PART I



HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

AUTOMOBILE INSURANCE—

DOT/NHTSA proposes that car dealers distribute information comparing certain types of coverage..... 38912

DISABILITY INSURANCE—

HEW/SSA establishes guidelines on insured status requirements for benefits; effective 11-4-74..... 38892

EMERGENCY MEDICAL SERVICES—

FCC adopts regulations on public safety radio services; effective 12-6-74..... 38902

FOOD ADDITIVES—

HEW/FDA regulates use of certain chemicals in paper container and bottle manufacturing (2 documents); effective 11-4-74; comments by 12-4-74... 38894, 38895
HEW/FDA proposes regulations on acrylonitrile copolymers used as components of food packaging films; comments by 1-3-75..... 38895

NEW ANIMAL DRUGS—

HEW/FDA approves alternate source of drug ingredients used in manufacture of premix containing tylosin and sulfamethazine; effective 11-4-74..... 38898
HEW/FDA proposes amendment on applications; comments by 1-3-75..... 38909
HEW/FDA approves applications for use of tylosin premix in the manufacture of swine feed (2 documents); effective 11-4-74..... 38896, 38897
HEW/FDA approves use of sterile ampicillin suspension in treatment of bacterial enteritis in calves; effective 11-4-74..... 38897

MOBILE HOMES—HUD delays implementation of third party factory inspection..... 38905

PART II:

EDUCATIONAL RESEARCH GRANTS—HEW/National Institute of Education sets requirements for award and administration; effective 12-16-74... 38991

(Continued inside)

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

	page no. and date
USDA/AMS: Valencia oranges grown in Arizona and designated parts of California; limitation of handling.	35647; 10-3-74
CAB—Organization and operation during emergency conditions; organization and delegation of authority.	36857; 10-15-74
Submission of audit and reconciliation reports; miscellaneous amendments.	36857; 10-15-74
Trade agreements; editorial amendment.	36857; 10-15-74
FTC—Power output claims for amplifiers utilized in home entertainment products.	15387; 5-3-74
VA: Legal services; general counsel; suits against Veterans Administration employees.	35656; 10-3-74

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202-523-5286. For information on obtaining extra copies, please call 202-523-5240.

federal register

Phone 523-5240

Area Code 202



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$5.00 per month or \$45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

HIGHLIGHTS—Continued

MEETINGS—

DOD/Army: Advisory Panel on ROTC Affairs; 11-20 and 11-21-74.....	38921
CRC: Ohio State Advisory Committee; 12-23-74.....	38928
Virginia State Advisory Committee; 12-2-74.....	38929
Treasury/Comptroller of the Currency: Regional Advisory Committee on Banking Policies and Practices of the Twelfth National Bank Region; 11-22-74.....	38914
National Science Foundation: Advisory Panel for Earth Sciences; 11-21 and 11-22-74.....	38945
Selective Service System: Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists; 11-22-74.....	38946
HEW/Alcohol, Drug Abuse, and Mental Health Council; 12-2 through 12-4-74.....	38921

GSA: Regional Public Advisory Panel on Architectural and Engineering Services (2 documents); 11-22 and 11-18-74.....	38944, 38945
National Foundation on the Arts and the Humanities/National Endowment for the Arts: Music Advisory Panel; 11-17, 11-18, and 11-19-74.....	38945
Commerce/DIBA: Computer Systems Technical Advisory Committee; 12-10-74.....	38917
Semiconductor Technical Advisory Committee; 12-18-75.....	38917
HEW: National Commission for Protection of Human Subjects of Biomedical and Behavioral Research; 12-3 and 12-4-74.....	38922
State/AID: Advisory Committee on Voluntary Foreign Aid; 11-11 and 11-12-74.....	38914

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices	
Meetings:	
Voluntary Foreign Aid Advisory Committee.....	38914

AGRICULTURAL MARKETING SERVICE

Rules	
Maturity requirements:	
Advocados grown in South Fla.....	38888
Fresh fruits, vegetables, and other products; charges for inspection and certification.....	38887
Limitation of handling:	
Lettuce grown in South Tex.....	38888
Proposed Rules	
Expenses and rates of assessment:	
Cranberries grown in various states.....	38906
Dates (domestic) produced or packed in Calif.; marketing percentages for 1974-75 crop year.....	38906
Notices	
Grain inspection point:	
Louisiana.....	38916

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Farmers Home Administration; Soil Conservation Service.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Notices	
Meetings:	
Mental Health National Advisory Council.....	38921

ARMY DEPARTMENT

Notices	
Meetings:	
ROTC Affairs Advisory Panel.....	38914

ATOMIC ENERGY COMMISSION

Notices	
Applications, etc.:	
Northern States Power Co.....	38925
Vermont Yankee Nuclear Power Corp.....	38926
Washington Public Power Supply System.....	38926
Regulatory guides; issuance and availability.....	38925

CIVIL AERONAUTICS BOARD

Notices	
Hearings, etc.:	
Hughes Airwest.....	38926
International Air Transport Association (2 documents).....	38927, 38928

CIVIL RIGHTS COMMISSION

Notices	
Meetings, State advisory committees:	
Ohio.....	38928
Virginia.....	38929

CIVIL SERVICE COMMISSION

Notices	
Policeman, Hines, Ill.; minimum rates and rate ranges.....	38928

COMMERCE DEPARTMENT

See Domestic and International Business Administration; National Oceanic and Atmospheric Administration.

COMPTROLLER OF THE CURRENCY

Notices	
Meetings; Regional Advisory Committees on Banking Policies and Practices:	
Twelfth National Bank Region.....	38914

DEFENSE DEPARTMENT

See Army Department.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices	
Meetings:	
Computer Systems Technical Advisory Committee.....	38917
Semiconductor Technical Advisory Committee.....	38917
Scientific articles; duty-free entry:	
Lowell Technological Institute.....	38917
Presbyterian University of Pennsylvania Medical Center.....	38918
Yale University.....	38919

ENVIRONMENTAL PROTECTION AGENCY

Notices	
Pesticide registration; applications.....	38929

FARMERS HOME ADMINISTRATION

Rules	
Emergency livestock loans; clarification of definitions.....	38889

FEDERAL AVIATION ADMINISTRATION

Rules	
Airworthiness directives:	
Bellanca Aircraft Corp.....	38890
Boeing (2 documents).....	38890, 38891
Standard instrument approach procedures.....	38892

Proposed Rules

Control zone and transition area.....	38910
---------------------------------------	-------

FEDERAL COMMUNICATIONS COMMISSION

Rules	
Public safety radio services; emergency medical services.....	38902

FEDERAL CONTRACT COMPLIANCE OFFICE

Notices	
State and local government requirements:	
City of Detroit Board of Education; hearing.....	38946
City of Seattle, hearing.....	38947

FEDERAL HIGHWAY ADMINISTRATION

Proposed Rules	
Engineering and traffic operations: Program and project procedures.....	38911

FEDERAL HOME LOAN BANK BOARD

Proposed Rules	
Federal Savings and Loan System; mobile facilities.....	38913

FEDERAL MARITIME COMMISSION

Notices	
Agreements, etc.:	
Continental/U.S. Gulf Freight Association.....	38930
Copper Development Association, Inc. et al.....	38930
K.C. Air Freight Service et al.....	38930

(Continued on next page)

CONTENTS

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

Amoco Production Co.	38930
Atlanta Gas Light Co. and Southern Natural Gas Co.	38932
Boston Edison Co. (2 documents)	38932
Cities Service Gas Co.	38932
Commercial Pipeline Co., Inc.	38932
Connecticut Light & Power Co.	38933
Exxon Corp.	38933
Great Lakes Gas Transmission Co.	38934
Missouri Power & Light Co.	38934
Public Service Co. of Indiana, Inc.	38934
Public Service Co. of New Mexico	38934
Sierra Club et al.	38935
Southern Natural Gas Co.	38936
Southern Service, Inc.	38937
Stingray Pipeline Co.	38937
Tennessee Gas Pipeline Co. (3 documents)	38938, 38939
W.W.F. Oil Corp. et al.	38940

FEDERAL RESERVE SYSTEM

Notices

Applications, etc.:

Allied Bancshares, Inc.	38941
Bancohip Corp.	38941
Budget Industries, Inc.	38941
Farmers & Merchants Agency, Inc.	38942
First Tennessee National Corp.	38942
Maryland National Corp.	38943
Michigan National Corp.	38943
Pan American Bancshares, Inc.	38943
Southeast Banking Corp.	38944

FISH AND WILDLIFE SERVICE

Notices

Marine mammal permits:

Campbell, Howard W.	38915
Fay, Francis H.	38915

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs:

Ampicillin	38897
Tylosin (4 documents)	38898, 38897

Food additives:

Acrylonitrile/styrene copolymer, modified	38895
Citric acid; correction	38896
Locust (carob) bean gum; correction	38896
Methylparaben and propylparaben; correction	38896
Paper and paperboard, components	38894
Sorbitol; correction	38896
Substances prohibited from use in human food; correction	38896

Proposed Rules

Animal drugs; application procedures	38909
Food additives:	
Acrylonitrile copolymers	38907
Benzoic acid and sodium benzoate; correction	38907
Gum ghatti; correction	38907
Gum tragacanth; correction	38907
Oil of rue; correction	38907

In vitro diagnostic products for human use; establishment of product class standard for detection or measurement of glucose; correction

38909

Notices

Antibiotic drugs:

Anti-infective-containing prescription drugs; correction	38922
--	-------

Food additives:

GRAS or prior-sanctioned ingredients; correction	38922
--	-------

GENERAL SERVICES ADMINISTRATION

Notices

Authority delegation, revocation:

Secretary of Defense	38945
----------------------	-------

Meetings:

Architectural and Engineering Services Public Advisory Panel	38944
Architectural and Engineering Services Regional Public Advisory Panel	38945

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Alcohol, Drug Abuse, and Mental Health Administration; Food and Drug Administration; National Institute of Education; Social and Rehabilitation Service; Social Security Administration.

Notices

Meetings:

National Commission for Protection of Human Subjects of Biomedical and Behavioral research	38922
--	-------

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Rules

Factory inspection of mobile homes; extension of effective date	38905
---	-------

Proposed Rules

State fair housing laws, recognition:	
California	38909
Indiana	38910
Ohio	38910
Wisconsin	38910

Notices

Environmental statements; amendments to procedural handbook	38922
---	-------

IMMIGRATION AND NATURALIZATION SERVICE

Rules

German Democratic Republic; waiver of nonimmigrant documentary requirement	38889
--	-------

INDIAN AFFAIRS BUREAU

Rules

San Carlos Indian Irrigation Project, Ariz.	38898
---	-------

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Indian Affairs Bureau.

INTERNAL REVENUE SERVICE

Proposed Rules

Income tax; limitations on carryovers of unused credits and capital losses; correction	38906
--	-------

INTERSTATE COMMERCE COMMISSION

Notices

Hearing assignments	38947
Abandonment of service:	
Grand Trunk Western Railroad Co.	38948
Hollis & Eastern Railroad Co.	38948
Maine Central Railroad Co.	38948
Southern Pacific Transportation Co.	38948
Union Pacific Railroad Co.	38948
Motor carriers:	
Irregular route property carriers; gateway elimination	38954
Temporary authority applications	38949
Transfer proceedings	38948

JUSTICE DEPARTMENT

See also Immigration and Naturalization Service.

Notices

Certifications regarding appointment of election examiners:	
Kemper County, Miss.	38915
Talladega County, Ala.	38915

LABOR DEPARTMENT

See Federal Contract Compliance Office.

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests	38945
--	-------

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Notices

Meetings:	
Music Advisory Panel	38945

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Proposed Rules

Insurance cost information	38912
----------------------------	-------

NATIONAL INSTITUTE OF EDUCATION

Rules

General provisions for research and development grants; administrative and fiscal requirements	38992
--	-------

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Marine mammal permits:	
Hall, John D.	38919
Kooyman, Gerald L.	38919
McCormack Trawling Corp.	38921
Northwest Fisheries Center (2 documents)	38919, 38920
Old Colony Trawling Corp.	38921
Shipwreck, Inc.	38920

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:	
Earth Sciences Advisory Panel	38945

FEDERAL REGISTER

SELECTIVE SERVICE SYSTEM

Notices

Meetings:

Selection of Physicians, Dentists
and Allied Specialists Advi-
sory Committee..... 38946

SOCIAL AND REHABILITATION SERVICE

Rules

Community work and training
program; revocation..... 38902

SOCIAL SECURITY ADMINISTRATION

Rules

Old-age, survivors, and disability
insurance; quarters of coverage
and insured status; disability
insured status..... 38892

SOIL CONSERVATION SERVICE

Notices

Environmental statements:

Lower Rock Creek Watershed
Project; negative declaration. 38916

STATE DEPARTMENT

See also Agency for International
Development.

Rules

Visas:

Crew-list visas..... 38898
Nonimmigrant documentary
waivers..... 38898

TARIFF COMMISSION

Notices

Import investigations:
Hydraulic tappets; dismissal... 38946

Workers determination petitions:

Shaer Shoe Corp..... 38946

TRANSPORTATION DEPARTMENT

See Federal Aviation Administra-
tion; Federal Highway Admin-
istration; National Highway
Traffic Safety Administration.

TREASURY DEPARTMENT

See also Comptroller of the Cur-
rency; Internal Revenue Serv-
ice.

Notices

International Monetary System
Reform Advisory Committee;
renewal..... 38914

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

7 CFR		21 CFR		45 CFR	
51.....	38887	3.....	38896	233.....	38902
915.....	38888	121 (7 documents).....	38894-38896	1400.....	38999
971.....	38888	135 (3 documents).....	38896, 38897	1403.....	39000
1845.....	38889	135b.....	38897	1405.....	39001
PROPOSED RULES:		135e (4 documents).....	38896, 38897	1407.....	39004
929.....	38906	149b.....	38897	1409.....	39005
987.....	38906	PROPOSED RULES:		1410.....	39005
8 CFR		121 (5 documents).....	38907	1412.....	39006
212.....	38889	135.....	38909	1414.....	39007
12 CFR		328.....	38909	1415.....	39008
PROPOSED RULES:		22 CFR		1417.....	39010
545.....	38913	41 (2 documents).....	38898	1419.....	39011
14 CFR		23 CFR		1420.....	39012
39 (3 documents).....	38890, 38891	PROPOSED RULES:		1422.....	39013
97.....	38892	630.....	38911	1424.....	39014
PROPOSED RULES:		24 CFR		47 CFR	
71.....	38910	201.....	38905	2.....	38902
20 CFR		PROPOSED RULES:		89.....	38902
404.....	38892	115 (4 documents).....	38909, 38910	49 CFR	
		25 CFR		PROPOSED RULES:	
		233.....	38898	582.....	38912
		26 CFR			
		PROPOSED RULES:			
		1.....	38906		

CUMULATIVE LIST OF PARTS AFFECTED—NOVEMBER

The following numerical guide is a list of parts of each title of the Code Federal Regulations affected by documents published to date during November.

7 CFR	Page	22 CFR	Page	40 CFR	Page
20	38631	41	38898	PROPOSED RULES:	
51	38887			52	38645
910	38631	23 CFR		120	38668
915	38888	PROPOSED RULES:			
971	38888	630	38911	41 CFR	
1421	38631			7-7	38645
1464	38631			7-15	38645
1474	38632	24 CFR			
1845	38889	201	38905	43 CFR	
PROPOSED RULES:		1915	38626	PUBLIC LAND ORDERS:	
929	38906	PROPOSED RULES:		5438	38646
987	38906	115	38909, 38910	5439	38646
993	38662			45 CFR	
8 CFR		25 CFR		233	38902
212	38889	233	38898	1400	38999
12 CFR		26 CFR		1403	38900
555	38635	PROPOSED RULES:		1405	38901
PROPOSED RULES:		1	38906	1407	38701
545	38913			1409	39005
14 CFR		29 CFR		1410	39005
39	38636, 38890, 38891	PROPOSED RULES:		1412	39006
71	38637	553	38663	1414	39007
97	38892	30 CFR		1415	39008
PROPOSED RULES:		PROPOSED RULES:		1417	39010
21	38667	77	38660	1419	39011
39	38668	31 CFR		1420	39012
43	38667	PROPOSED RULES:		1422	39013
45	38667	129	38772	1424	39014
65	38667			PROPOSED RULES:	
71	38910	32 CFR		103	38666
91	38667	PROPOSED RULES:		46 CFR	
16 CFR		1602	38670	506	38647
13	38637-38643	1603	38670	PROPOSED RULES:	
20 CFR		1604	38670, 38674	57	38667
404	38892	1608	38674		
21 CFR		1613	38674	47 CFR	
1	38644	1622	38670	1	38651
121	38894-38896	1623	38670	2	38902
135	38896, 38897	1624	38670	73	38651, 38653
135a	38644	1625	38670	74	38652
135b	38644, 38897	1631	38670	83	38658
135e	38896, 38897	1632	38670	89	38902
149b	38897	1641	38670	PROPOSED RULES:	
PROPOSED RULES:		1643	38670	73	38668
121	38907	1660	38675	49 CFR	
135	38909	1661	38670	574	38658
328	38909	1680	38670	1033	38658
				PROPOSED RULES:	
				582	38912
				50 CFR	
				28	38659

FEDERAL REGISTER PAGES AND DATES—NOVEMBER

Pages	Date
38625-38885	Nov. 1
38887-39015	4

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES) DEPARTMENT OF AGRICULTURE

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—Regulations¹

BASIS FOR CHARGES

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of fresh fruits and vegetables and other products.² Such inspection and certification is voluntary and is made available only upon request of financially interested parties and upon payment of a fee. The Act requires such fees to be reasonable and, as nearly as possible, to cover the cost of rendering the service.

STATEMENT OF CONSIDERATIONS LEADING TO AMENDMENT OF REGULATIONS

The rising costs of maintaining the inspection service in destination markets have made it necessary to increase inspection fees charged for most categories of inspections. The current base fee for peanuts, pecans or other nuts will remain unchanged.

In order to more nearly recover costs of rendering the service the following adjustments have been made in the inspection schedule of fees and charges applicable in destination markets:

1. For quality and condition inspections: Fees are raised from \$21 to \$24 when more than a half-carlot equivalent is involved, from \$18 to \$20 for a half-carlot equivalent or less, and the maximum fee per carlot equivalent, when more than one kind of product is involved, is raised from \$42 to \$48.

2. For condition only inspections: Fees are raised from \$18 to \$20 when more than a half-carlot equivalent is involved, from \$16 to \$18 for a half-carlot equivalent or less, and the maximum fee per carlot equivalent, when more than one kind of product is involved, is raised from \$36 to \$40.

3. The regular hourly rate, where applicable, is increased from \$11 to \$12.

¹ None of the requirements in the regulations of this subpart shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this subpart.

² Among such other products are the following: Raw nuts; Christmas trees and evergreens; flowers and flower bulbs; and onion sets.

4. The additional hourly charge for overtime or holiday work is increased from \$5 to \$6.

5. The fees for small lots (such as for export to Canada or delivery to institutions) depending upon size of lot is increased from: \$3.25 to \$4.00; \$4.25 to \$5.00; \$6.00 to \$7.00; and, \$9.00 to \$11.00.

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.), § 51.38 Basis for Charges of the Subpart—Regulations governing inspection, certification and standards for fresh fruits, vegetables, and other products, is hereby amended to read as follows:

§ 51.38 Basis for charges.³

(a) The fee for each lot of products inspected by an inspector acting exclusively for the Department, except for peanuts, pecans or other nuts, shall be on the following basis:

(1) Quality and condition inspections:
(i) \$24.00 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) \$20.00 for each half-carlot equivalent or less of an individual product.

(iii) \$48.00 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(2) Condition inspection only:

(i) \$20.00 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) \$18.00 for each half-carlot equivalent or less of an individual product.

(iii) \$40.00 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(3) When any lot involved is in excess of a carlot equivalent, the quantity shall be calculated in terms of carlot and fractions thereof of the customary carlot quantity for such carlots and carlot inspection fee rates: *Provided*, That such fractions shall be calculated in terms of fourths, or next higher fourths.

(b) The base fee for peanuts (shelled), pecans or other nuts shall be 90 cents per ton: *Provided*, That the minimum fee shall be \$12.00 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' Stock peanuts (unshelled) shall be \$1.80 per ton.

(c) When inspections are made and the products inspected cannot readily be calculated in terms of carlots, or when

³ Carlot equivalent shall be based on the customary quantity of a product loaded in common carrier rail cars.

the services rendered are such that a charge on the carlot or other unit basis would be inadequate or inequitable, charges for inspections may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of \$12.00 per hour.

(d) Notwithstanding the fee rates prescribed in the preceding paragraphs, fees and charges for the inspection of small lots where detailed reports of inspection are not normally required,⁴ the following rates may be applied:

1 to 25 packages inclusive.....	\$4
26 to 50 packages inclusive.....	5
51 to 150 packages inclusive.....	7
151 to 1/2 customary carlot equivalent	11

(e) Whenever inspections are performed at the request of the applicant during periods which are outside the inspector's regular scheduled workweek, a charge for overtime or holiday work shall be made at the rate of \$6 per hour or portion thereof in addition to the regular commercial lot or hourly fees specified in this subpart. Holidays are those specified in title 5, U.S.C., section 6103(a).

Notice of proposed rulemaking, public procedure thereon, and the postponement of the effective time of this action later than December 8, 1974 (5 U.S.C. 553) are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered; (2) the increases in fee rates set forth herein are necessary to more nearly cover such cost including, but not limited to, Federal employee salary adjustments; (3) it is imperative that these increases in fee rates become effective in time to cover such increased costs; and (4) additional time is not required by users of the inspection service to comply with this amendment.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended, 7 U.S.C. 1622, 1624)

Dated October 29, 1974, to become effective at 12:01 a.m., December 8, 1974.

E. L. PETERSON,

Administrator,

Agricultural Marketing Service.

[FR Doc. 74-25605 Filed 11-1-74; 8:45 am]

⁴ For example, the inspection of small lots for export to Canada or delivery to private and public institutions.

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Avocado Reg. 16, Amdt. 5]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Maturity Requirements

This amendment to Avocado Regulation 16 reduces currently specified minimum weight or diameter requirements for individual fruit of the Booth 7 variety of avocados during the period October 28 through November 11, 1974. Weight, diameter, and picking dates are indices used at harvest to assure that avocados will ripen satisfactorily after picking. Recent studies have indicated that Booth 7 avocados are maturing at lower weights and smaller diameters this season. This amendment permits shipment of fruit meeting such weight or diameter specifications.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the maturity requirements for the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amended regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of Florida avocados are currently regulated pursuant to Avocado Regulation 16 (39 FR 20801; 30105; 33505; 36319; 37631) and, unless sooner modified or terminated, will continue to be so regulated until April 30, 1975. The recommendation and supporting information for amendment of the regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Avocado Administrative Committee on October 23, 1974; such meeting was held to consider recommendations for regulations, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their

views at this meeting; it is necessary, in order to effectuate the declared policy of the act, to make this amended regulation effective during the period and in the manner hereinafter set forth so as to provide for appropriate regulation of the handling of such avocados; and it relieves restrictions by permitting shipment of smaller Booth 7 avocados during the period October 28 through November 11, 1974.

The need for the amendment stems from the current avocado crop maturity situation. Weather conditions in the production area have recently included unseasonably high temperatures and lower than normal amounts of rainfall. Some avocado varieties are, therefore, maturing at a smaller size than in prior sea-

sons. Maturity studies on the Booth 7 variety completed recently indicate that avocados of such variety are maturing at lower weights and smaller diameters than those currently specified in Avocado Regulation 16. Booth 7 avocados of the specified weights or diameters for the periods hereinafter set forth will be mature, and, fruit meeting such specifications is acceptable in the markets.

Order. The provisions of subparagraph (a) (2) of § 915.316 (Avocado Regulation 16; 39 FR 20801; 30105; 33505; 36319; 37631) are amended by changing in Table I the dates and minimum weights applicable to the Booth 7 variety, so that after such changes the portion of Table I relating to the Booth 7 variety reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Booth 7	9-30-74	18 oz. 3 1/4 in.	10-14-74	16 oz. 3 1/4 in.	10-28-74	12 oz. 3 1/4 in.	11-11-74

(Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674)

Dated October 25, 1974, to become effective October 28, 1974.

CHARLES R. BRADER,
Fruit and Vegetable Division,
Agricultural Marketing Service.

[FR Doc. 74-25385 Filed 11-1-74; 8:45 am]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Handling Regulation

This regulation, designed to promote the orderly marketing of lettuce grown in the Lower Rio Grande Valley in South Texas imposes pack, container and inspection requirements to standardize the pack of lettuce being shipped to consumers.

Notice of rule making on a proposed handling regulation, to be made effective under Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971) regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas was published in the FEDERAL REGISTER, October 11, 1974 (39 F.R. 36591). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to file written exceptions not later than October 25, 1974. None was filed.

After consideration of all relevant matters, including the proposal set forth in the notice, it is found that the handling regulation will tend to effectuate the declared policy of the act.

This regulation is in accord with the committee's recommendations and marketing policy and reflects its appraisal of the 1974-75 lettuce crop and marketing prospects for the season.

The South Texas lettuce industry as well as other lettuce shipping areas are accustomed to operating on a six day shipping week. The experience has been that a six day shipping week is adequate for five days distribution in terminal markets. Therefore, "packaging holidays" on Sundays and Christmas Day will promote more orderly marketing.

The pack and container requirements are in accord with the generally accepted commercial practices of the South Texas lettuce industry of packing specified numbers of heads of lettuce in specific sized containers limited to those found acceptable to the trade for safe transportation of the lettuce, and will prevent deceptive practices.

No purpose would be served by regulating the pack or requiring the inspection and assessment of insignificant quantities of lettuce. Therefore quantities up to two cartons of lettuce per day may be handled without regard to such requirements.

Provisions with respect to special purpose shipments, including export, are designed to meet the different requirements for other than commercial channels of domestic trade. Because of the production area's proximity to the Mexican border, Mexican buyers have been accustomed to acquiring small lots of production area lettuce for their home market. These buyers can utilize lettuce which fails to meet the pack and container regulations. Inasmuch as such shipments have a negligible effect on the domestic market, they should be permitted provided certain safeguard requirements are met.

It is further found that good cause exists for not postponing the effective date of this section 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of lettuce grown in the production area are expected to begin about the effective

date specified herein, (2) to maximize benefits to producers, the effective period of this regulation should be set to cover as many shipments as possible during the shipping season, (3) information regarding the provisions of this regulation has been made available to producers and handlers in the production area, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective date.

The regulation is as follows:

§ 971.315 Handling regulation.

During the period November 25, 1974, through March 31, 1975, no person shall handle any lot of lettuce grown in the production area unless such lettuce meets the requirements of paragraphs (a), (b), (c), and (d) of this section, or unless such lettuce is handled in accordance with paragraphs (e) or (f) of this section. Further, no person may package lettuce during the above period on any Sunday or on Christmas Day.

(a) [Reserved]

(b) *Pack*. (1) Lettuce heads, packed in container Nos. 7303, 7306, or 7313, if wrapped may be packed only 18, 20, 22, 24, or 30 heads per container; if not wrapped, only 18, 24, or 30 heads per container.

(2) Lettuce heads in container No. 85-40 may be packed only 24 or 30 heads per container.

(c) *Containers*. Containers may be only the following depth, width and length respectively:

(1) Cartons with inside dimensions of 10 inches x 14- $\frac{1}{4}$ inches x 21- $\frac{5}{16}$ inches (designated as carrier container No. 7303), or

(2) Cartons with inside dimensions of 9- $\frac{3}{4}$ inches x 14 inches x 21 inches (designated as carrier container No. 7306), or

(3) Cartons with inside dimensions of 14 inches x 9- $\frac{3}{4}$ inches by 21 inches (designated as carrier container No. 7313), or

(4) Cartons with inside dimensions of 10- $\frac{3}{4}$ inches x 16- $\frac{1}{8}$ inches x 21- $\frac{1}{2}$ inches (designated as carrier container No. 85-40—flat pack).

(d) *Inspection*. (1) No handler shall handle lettuce unless such lettuce is inspected by the Texas-Federal Inspection Service and an appropriate inspection certificate has been issued with respect thereto, except when relieved of such requirement pursuant to paragraph (e) or (f) of this section.

(2) No handler may transport, or cause the transportation of, any shipment of lettuce by motor vehicle for which inspection is required unless each such shipment is accompanied by a copy of an appropriate inspection certificate or shipment release form (SPI-23) furnished by the inspection service verifying that such shipment meets the current grade, pack and container requirements of this section. A copy of such inspection certificate or shipment release form shall be available and sur-

rendered upon request to authorities designated by the committee.

(3) For administration of this part, such inspection certificate or shipment release form required by the committee as evidence of inspection is valid for only 72 hours following completion of inspection, as shown on such certificate or form.

(e) *Minimum quantity*. Any person may handle up to, but not to exceed two cartons of lettuce a day without regard to inspection, assessment, grade, and pack requirements. This exception may not be applied to any shipment of over two cartons of lettuce.

(f) *Special purpose shipments*. The pack, container, and inspection requirements of this section shall not be applicable to shipments as follows:

(1) For relief, charity, experimental purpose, or export to Mexico, if, prior to handling, the handler pursuant to §§ 971.120-971.125 obtains a Certificate of Privilege applicable thereto and reports thereon; and

(2) For export to Mexico, if the handler of such lettuce loads and transports it only in a vehicle bearing Mexican registration (license).

(g) *Definitions*. (1) "Wrapped" heads of lettuce refers to those which are enclosed individually in parchment, plastic, or other commercial film and then packed in cartons or other containers.

(2) Other terms used in this section have the same meaning as when used in Marketing Agreement No. 144 and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 29, 1974, to become effective November 25, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[FR Doc.74-25606 Filed 11-1-74; 8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—GUARANTEED LOANS

[FmHA Instructions 449.1 and 449.5]

PART 1845—EMERGENCY LIVESTOCK LOANS

Section 1845.10(b), Part 1845, Title 7, Code of Federal Regulations (39 FR 27685, 29581) is amended to clarify the definition of "bona fide farmer or rancher" as it relates to loan eligibility.

In accordance with 5 U.S.C. 553 this amendment is not published for notice of proposed rulemaking inasmuch as: (1) the change reflects an amendment made in response to public comments received from FmHA's publication in 39 FR 27685 dated July 31, 1974, and (2) the amendment only clarifies existing agency procedure. Postponing the effective date of this emergency program amendment until after receipt of comments would not be in the public interest. Therefore, this amendment is effective November 4, 1974.

Section 1845.10(b) is amended to read:

§ 1845.10 EL eligibility requirements.

To be eligible for an EL loan the applicant must:

(b) *Bona fide farmer or rancher*. Be (1) an established bona fide farmer or rancher (owner-operator, or tenant) doing business in the United States either as an individual, corporation or partnership, (2) recognized in the community as one whose chief occupation is farming or ranching, and (3) primarily and directly engaged in agricultural production for the purpose of breeding, raising, fattening, or marketing livestock (hereinafter referred to as a livestock operation). In the case of an individual loan applicant, the phrase "primarily and directly engaged in a livestock operation" means that he derives a majority of his gross income from his own livestock operation(s) or devotes a majority of his time to such operation(s). In the case of a corporation or partnership loan applicant, the term "primarily and directly engaged in a livestock operation" means that the corporation or partnership derives a majority of its gross income from the livestock operation and that the shareholders or partners owning or controlling a majority interest in such corporation or partnership derive a majority of their gross income from their own and/or the corporation's or partnership's livestock operation(s) and devote a majority of their time to such operation(s).

(Section 10 of Pub. L. 93-357; delegation of authority by the Secretary of Agriculture (7 CFR 2.23); delegation of authority by the Assistant Secretary for Rural Development (7 CFR 2.70))

Dated: October 31, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-25752 Filed 11-1-74; 8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Nonimmigrant Documentary Waiver

By order of the Administrator, Bureau of Security and Consular Affairs, Department of State, dated October 21, 1974, concurred in by the Acting Commissioner, Immigration and Naturalization Service, 22 CFR 41.6(e) (1) is being amended to include the German Democratic Republic among the list of countries the nationals of which may, on a basis of reciprocity, transit the United States without a visa or passport under conditions specified in that section.

In the light of the aforementioned order of the Department of State, and pursuant to the provisions of section 552

of Title 5 of the United States Code (80 Stat. 383) and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1, a corresponding amendment to § 212.1(e)(1) in Part 212, Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

In § 212.1(e)(1), the third sentence thereof is amended by deleting the German Democratic Republic from the list of countries the citizens of which may not transit the United States without a visa and passport and by adding the German Democratic Republic to the list of countries the nationals of which may, on a basis of reciprocity, transit the United States without a visa or passport under specified conditions. A technical amendment is also made in the third sentence by changing the reference to Outer Mongolia to read Mongolian People's Republic. As amended, § 212.1(e)(1) reads as follows:

§ 212.1 Documentary requirements for nonimmigrants.

(e) *Direct transits*—(1) *Transit without visa*. A passport and visa are not required of an alien who is being transported in immediate and continuous transit through the United States in accordance with the terms of an agreement entered into between the transportation line and the Service under the provisions of section 238(d) of the Act on Form I-426 to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country: *Provided*, That such alien is in possession of a travel document or documents establishing his identity and nationality and ability to enter some country other than the United States. This waiver of visa and passport requirements is not available to an alien who is a citizen of Cuba. This waiver of visa and passport requirements is not available to an alien who is a citizen of North Korea ("Democratic Peoples' Republic of Korea") or North Viet Nam ("Democratic Republic of Viet Nam"), and is a resident of one of said countries, and is, on a basis of reciprocity, available to a national of Albania, Bulgaria, Czechoslovakia, Estonia, the German Democratic Republic, Hungary, Latvia, Lithuania, Mongolian People's Republic, People's Republic of China, Poland, Romania, or the Union of Soviet Socialist Republics resident in one of said countries, only if he is transiting the United States by aircraft of a transportation line signatory to an agreement with the Service on Form I-426 on a direct through flight which will depart directly to a foreign place from the port of arrival.

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because

the amendments to § 212.1(e)(1) confer benefits on the persons affected thereby and conform Service regulations to corresponding regulations promulgated by the Department of State.

Effective date. The amendments made in this order shall become effective on November 4, 1974.

Dated: October 25, 1974.

JAMES F. GREENE,
Acting Commissioner of
Immigration and Naturalization.

[FR Doc.74-25651 Filed 11-1-74; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-GL-20, Amdt. 39-2001]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Aircraft Corp.; Bellanca Model 8KCAB (Decathlon)

Pursuant to the authority delegated to me by the Administrator, an Airworthiness Directive was adopted on August 20, 1974, and made effective immediately as to all known United States operators of Bellanca Model 8KCAB (Decathlon) airplanes. The Directive requires an inspection, prior to further flight, to visually inspect the wing ribs for evidence of fatigue cracks and/or distortion of the rib flanges.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the Airworthiness Directive effective immediately as to all known United States operators of Bellanca Model 8KCAB airplanes by individual air mail letters dated August 20, 1974. These conditions still exist and the Airworthiness Directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

The inspection section of the telegraphic Airworthiness Directive issued and effective (August 20, 1974) is now incorporated in this amendment and is now effective November 7, 1974. The telegraphic Airworthiness Directive of August 20, 1974, called for an inspection and repair of wing ribs showing evidence of fatigue cracks and/or distortion of rib flanges as per standard procedures as outlined in Advisory Circular 43-13-1A. Inspection requirements were every 50 hours of normal flight or every 10 hours of acrobatic flight.

This Airworthiness Directive issued and effective as stated below stipulates repair and reinforcement of the left and right hand wing ribs. A total of 30 ribs, 15 ribs in the right hand wing and 15 ribs in the left hand wing as per Bellanca Aircraft Corporation Service Letter #113, beginning with the first wing rib outboard of the wing fuel tank to the last outboard full structural wing tip rib. All items needed for this alteration are contained in Bellanca's Service Kit #243.

Now the inspection is to be conducted each 25 hours of flight without regard to the type of flight.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELLANCA. Applies to Bellanca Models 8KCAB aircraft S/N's 4-71 thru 159-74.

To detect evidence of fatigue cracks and/or distortion of rib flanges, accomplish the following before further flight:

A. Visually inspect the wing ribs for evidence of fatigue cracks and/or distortion of the rib flanges as follows:

1. Remove fabric from each of four doped-on round reinforcing rings located on lower surface of each wing adjacent to front spar. Use a sharp knife.

2. Using a flashlight (and mirror as necessary) inspect all ribs beginning at first rib outboard of fuel tank and each other rib outboard, to and including last outboard full rib, for general condition.

3. Examine particularly the area approximately 2' aft of front spar (just aft of rib reinforcing gusset) on rib top flange for evidence of cracks, distortion, and fabric hold-down rivet looseness.

B. If, as a result of inspection per Paragraph A, cracks, distortion or fabric rivet looseness are found in any of the inspected ribs, repair and reinforce all 30 ribs, 15 ribs per wing, per Bellanca Kit No. 243. Equivalent repairs are to be approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region, before further flight.

C. If, as a result of inspection per Paragraph A, no evidence of any cracks, distortion or fabric rivet looseness is found, repeat the required inspection after every 25 hours of flight.

D. The inspection required by Service Letter #113 may be discontinued after installation of Bellanca Kit No. 243.

This amendment is effective November 7, 1974. The telegraphic inspection portion was effective August 20, 1974; for all recipients of the air mail letter of August 20, 1974, which is contained in this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on October 24, 1974.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.74-25572 Filed 11-1-74; 8:45 am]

[Docket No. 74-NW-6-AD, Amdt. 39-2002]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707-300, -300B/C and -400 Series Airplanes

Amendment 39-1829, 39 FR 15027, AD 74-09-07 requires inspection of the upper wing skin splice plate and repair, as necessary, on Boeing 707-300, -300B/C and -400 series airplanes. After issuing Amendment 39-1829 the agency has established the basis for reinspection intervals and terminating action, and the AD is being amended accordingly.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations, Amendment 39-1829, 39 FR 15027, AD 74-09-07 is amended as follows:

(1) Replace the applicability statement as follows:

BOEING: Applicable to all Boeing 707-300, -300B/C, and -400 series airplanes listed in Boeing Service Bulletin No. 3157, upon accumulation of the following number of landings since new, unless hole oversizing in accordance with Part IV of Boeing Service Bulletin No. 2510, Revision 3, or later FAA approved revisions has been accomplished, in which case compliance is not required until accumulation of the following number of landings since oversizing:

Models:	Since new or oversizing
707-300, 707-400	13,000 or more landings.
707-300B	11,000 or more landings.
707-300C	8,000 or more landings.

Compliance required as indicated. To detect cracks in the upper wing skin, upper wing skin splice plate and upper rib cap at wing station 360, accomplish the following:

(2) Replace paragraph (C) with the following:

(C) If cracks are found, repair prior to further flight in accordance with Boeing Service Bulletin No. 2510, Revision 3, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Airplanes with cracks repaired with local doublers in accordance with Part VII of Service Bulletin No. 2510, Revision 3, which additionally have had accomplished the hole oversizing per Part IV or, the complete external doubler installation per Part VIII of Revision 3 of Service Bulletin No. 2510, need not be reinspected until the thresholds called out in the applicability statement have been reached.

(3) Add new paragraphs as follows:

(E) After the accomplishment of the inspections of (D) above, within the next 400 landings, unless accomplished within the last 400 landings, and at intervals thereafter not to exceed 800 landings, X-Ray inspect the upper wing skin, upper wing skin splice plate and upper rib cap at wing station 360 in accordance with the instructions in Boeing Service Bulletin No. 3157, Revision 2, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. If cracks are found repair as necessary prior to further flight in accordance with paragraph (C) above.

(F) The inspections required by this AD may be terminated when the following is accomplished:

- (1) Splice plate, skin and rib cap fastener holes are oversized to remove fatigued material and complete external doublers are installed in accordance with Parts IV and VIII of Boeing Service Bulletin No. 2510, Revision 3, or later FAA approved revisions, or
- (2) Cracked splice plates are replaced, holes oversized, and complete external doublers are installed in accordance with

Parts IV and VIII of Boeing Service Bulletin No. 2510, Revision 3, or later FAA approved revisions, or

(3) Other modifications are made in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(G) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

(H) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the change for that operator.

This amendment becomes effective on November 8, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(e)))

Issued in Seattle, Washington on October 25, 1974.

C. B. WALK, Jr.,
Director,
Northwest Region.

NOTE.—The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 74-25573 Filed 11-1-74; 8:45 am]

[Docket No. 74-NW-20-AD; Amdt. 39-2003]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727-100 and -200 Series Airplanes

There have been two incidents of inadvertent simultaneous automatic trips of the air conditioning packs on the 727-200 series airplanes. It has been determined that a single failure resulted in the rapid loss of pressurization while at cruise altitude. This single failure could endanger the occupants of the aircraft.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require modification of the Auto Pack Trip System on the Boeing Model 727-100 and 727-200 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to all Model 727 Series Airplanes certificated in all categories and equipped with the Auto Pack Trip System.

Compliance required as indicated unless already accomplished.

To prevent the inadvertent trip of both air conditioning packs and the subsequent rapid loss of cabin pressurization, accomplish the following:

(A) Within one calendar day after the effective date of this AD, as an interim action, during the first flight and on all subsequent flights until the action specified in paragraph (B) and (C) of this AD has been accomplished, control the Auto Pack Trip system in accordance with the information and procedures contained in Boeing 727 "Operations Manual Bulletin" Number 74-7 dated September 5, 1974; and

(B) Within 100 hours time in service after the effective date of this AD, unless paragraph (C) is already accomplished, collar the Auto Pack Trip circuit breaker on the P6 panel and install one placard adjacent to the circuit breaker and one adjacent to the Auto Pack Trip Switch which reads, "Auto Pack Trip Inoperative."

(C) As terminating action of this AD, within the next 900 hours time in service after the effective date of this AD, modify the Auto Pack Trip System in accordance with the information contained in the following documents as applicable, or a method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region:

(1) Boeing Alert Service Bulletin 727-36-21 dated September 20, 1974, or later FAA approved revisions, applies to 727-200 series airplanes.

(2) Boeing Service Bulletin 727-36-17, Revision 2, dated October 4, 1974, or later FAA approved revisions, applies to the following 727-100 series airplanes if Boeing Service Bulletin 727-36-17 original issue and Revision 1 have been incorporated:

727-116	S/N 19811.
727-116C	S/N 19813 and 19814.
727-21	S/N 18992 through 18999.
727-21	S/N 19005 through 19007.
727-21	S/N 19035 through 19038.
727-21	S/N 19257 through 19262.
727-21C	S/N 19134 through 19137.

(3) Boeing Service Bulletin 727-36-18, Revision 1, dated October 4, 1974, or later FAA approved revisions, applies to the following 727-100 series airplanes if Boeing Service Bulletin 727-36-18 has been incorporated:

727-155C	S/N 19619.
----------	------------

(4) Boeing Service Bulletin 727-36-22 dated October 4, 1974, or later FAA approved revisions, applies to the following 727-100 series airplanes:

727-17	S/N 20327 and 20328;
	S/N 20512 and 20513.
727-41	S/N 20422 through 20426.
727-113C	S/N 20343.
727-1H2	S/N 20533.
727-1F8	S/N 20421.
727-C3	S/N 20418 through 20420.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this Directive who have not already received these documents from the manufacturer, may obtain copies upon request to The Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at FAA Northwest Region, 9010 East Marginal Way, Seattle, Washington 98108.

This amendment becomes effective November 8, 1974.

(Secs. 313(a), 601, 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(e))).

Issued in Seattle, Washington on October 25, 1974.

C. B. WALK, JR.,
Director,
Northwest Region.

NOTE: The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 74-25574 Filed 11-1-74; 8:45 am]

[Docket No. 14110, Amdt. No. 940]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective December 12, 1974.

Beaumont, Tex.—Beaumont Municipal Arpt., VOR/DME Rwy 30, Orig.
Beaumont/Port Arthur, Tex.—Jefferson County Arpt., VOR Rwy 11, Amdt. 4.
Beaumont/Port Arthur, Tex.—Jefferson County Arpt., VOR-A, Amdt. 3.

Beaumont/Port Arthur, Tex.—Jefferson County Arpt., VOR-B, Amdt. 3.
Beaumont/Port Arthur, Tex.—Jefferson County Arpt., VOR-C, Amdt. 2.
Beaumont/Port Arthur, Tex.—Jefferson County Arpt., VOR/DME Rwy 16, Orig.
Beaumont/Port Arthur, Tex.—Jefferson County Arpt., VORTAC Rwy 34, Amdt. 3.
Bloomington, Ind.—Monroe County Arpt., VOR Rwy 35, Amdt. 5.
Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt., VOR-A, Amdt. 6.
Clinton, Iowa—Clinton Municipal Arpt., VOR Rwy 3, Amdt. 4.
Clinton, Iowa—Clinton Municipal Arpt., VORTAC Rwy 21, Amdt. 1.
Columbus, Miss.—Columbus-Lowndes County Arpt., VOR-A, Amdt. 8.
Darlington, S.C.—Darlington Co. Arpt., VOR/DME-A, Amdt. 4.
Hancock, Mich.—Houghton County Memorial Arpt., VOR Rwy 13, Amdt. 7.
Hancock, Mich.—Houghton County Memorial Arpt., VOR Rwy 25, Amdt. 9.
Hancock, Mich.—Houghton County Memorial Arpt., VOR Rwy 31, Amdt. 6.
Havre, Mont.—Havre City-County Arpt., VOR Rwy 7, Amdt. 3.
Havre, Mont.—Havre City-County Arpt., VOR Rwy 25, Amdt. 3.
Ionia, Mich.—Ionia County Arpt., VOR Rwy 27, Amdt. 2.
Marquette, Mich.—Marquette County Arpt., VOR Rwy 8, Amdt. 10.
Marquette, Mich.—Marquette County Arpt., VOR Rwy 26, Amdt. 9.
Pompano Beach, Fla.—Pompano Beach Airport, VOR Rwy 14, Amdt. 1.
Reedsburg, Wisc.—Reedsburg Municipal Arpt., VOR-A, Orig.
Wharton, Tex.—Wharton Municipal Arpt., VORTAC-A, Amdt. 1.

*** effective November 7, 1974

Port Clinton, Ohio—Carl R. Keller Field, VOR/DME-A, Orig.
Sandusky, Ohio—Griffing Sandusky, VOR Rwy 27, Orig.

*** effective October 16, 1974

Las Vegas, Nev.—McCarran Int'l Arpt., VOR-A, Amdt. 4.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective December 12, 1974.

Beaumont/Port Arthur, Tex.—Jefferson County Arpt., LOC(BC) Rwy 29, Amdt. 11.
Hancock, Mich.—Houghton County Memorial Arpt., LOC/DME(BC) Rwy 13, Amdt. 2.
Marquette, Mich.—Marquette County Arpt., LOC(BC) Rwy 26, Amdt. 1.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective December 12, 1974.

Beaumont, Tex.—Beaumont Municipal Arpt., NDB(ADF) Rwy 30, Orig., cancelled.
Beaumont/Port Arthur, Tex.—Jefferson County, NDB Rwy 11, Amdt. 10.
Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt., NDB Rwy 10, Amdt. 1.
Clinton, Iowa—Clinton Municipal Arpt., NDB Rwy 3, Amdt. 2.
Clinton, Iowa—Clinton Municipal Arpt., NDB Rwy 14, Amdt. 2.
Gainesville, Tex.—Gainesville Municipal Arpt., NDB Rwy 17, Amdt. 1.
Hancock, Mich.—Houghton County Memorial Arpt., NDB Rwy 31, Amdt. 3.
Lafayette, Ind.—Purdue University Arpt., NDB Rwy 10, Amdt. 5.
Orr, Minn.—Orr Public Arpt., NDB Rwy 13, Amdt. 1.
Penn Yan, N.Y.—Penn Yan Arpt., NDB Rwy 28, Orig.

*** effective November 14, 1974

Laurel, Miss.—Laurel Municipal Arpt., NDB Rwy 13, Orig.
Little Falls, Minn.—Little Falls Municipal Arpt., NDB Rwy 30, Orig.

*** effective November 7, 1974

Elk City, Okla.—Elk City Municipal Arpt., NDB Rwy 17, Orig.
Port Clinton, Ohio—Carl R. Keller Field, NDB Rwy 26, Amdt. 3.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective December 12, 1974.

Beaumont/Port Arthur, Tex.—Jefferson County, ILS Rwy 11, Amdt. 12.
Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt., ILS Rwy 10, Amdt. 1.
Hancock, Mich.—Houghton County Memorial Arpt., ILS Rwy 31, Amdt. 3.
Lafayette, Ind.—Purdue University Arpt., ILS Rwy 10, Amdt. 3.
Marquette, Mich.—Marquette County Arpt., ILS Rwy 8, Amdt. 1.
New Haven, Conn.—Tweed-New Haven Arpt., ILS Rwy 2, Amdt. 4.

*** effective November 7, 1974

Denver, Colo.—Stapleton Int'l Arpt., ILS (BC) Rwy 8R, Amdt. 2.
Denver, Colo.—Stapleton Int'l Arpt., ILS Rwy 26L, Amdt. 36.

*** effective October 16, 1974

Las Vegas, Nev.—McCarran Int'l Arpt., ILS Rwy 25, Amdt. 7.

CORRECTION

In Docket Nr. 14024, Amendment Nr. 935 to Part 97 of the Federal Aviation regulations published in the FEDERAL REGISTER, dated September 27, 1974, on page 35129, under Sections 97.23, 97.25, and 97.29, effective November 7, 1974—Destroy Iron Mountain/Kingsford, Mich.—Ford Arpt., VOR Rwy 1, Amdt. 6 VOR Rwy 19, Amdt. 2, VOR Rwy 31, Amdt. 9, ILS Rwy 1, Amdt. 2, and LOC/DME(BC) Rwy 19, Amdt. 2. Under Section 97.27 effective November 7, 1974—Destroy Defiance, Ohio—Defiance Memorial Arpt., NDB Rwy 12, Amdt. 4.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C. on October 24, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc. 74-25575 Filed 11-1-74; 8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950—)

Quarters of Coverage and Insured Status; Disability Insured Status

On May 7, 1974, there were published in the FEDERAL REGISTER (39 FR 16152),

a notice of proposed rulemaking and proposed amendments to Regulations No. 4 of the Social Security Administration, reflecting sections 104, 116, and 117 of Public Law 92-603, which related to disability insured status. The proposed amendments provided that an individual disabled by reason of blindness (as defined in section 216(i)(1) of the Social Security Act, as amended) may qualify for a period of disability and/or disability insurance benefits if he has fully insured status. Prior to the enactment of section 117 of Public Law 92-603, such individual had to meet, in addition to the fully insured status test, one of two other insured status tests involving substantial recent covered work. (Insured status relates to the amount of covered work required to qualify for social security benefits.) Also, because section 116 of Public Law 92-603 reduced from 6 months to 5 months the disability "waiting period" (that continuous period of time beginning with the first month of an individual's disability and ending with the month of his entitlement to disability insurance benefits), § 404.115 of the proposed amendments incorporated the appropriate changes in the points in time at which an individual may have disability insured status. New § 404.118 reflected the liberalized age computation point for men enacted by section 104 of Public Law 92-603. This computation point has been reduced from age 65 to age 62 after a 2 year phase-in period. Thereafter, men and women will receive the same treatment in determining the number of quarters of coverage required for a fully insured status.

Interested parties were given 30 days within which to submit their data, views, and comments. Only two comments were received, and they approved of the amendments as proposed. Accordingly, the amendments were adopted without change, and are set forth below.

(Secs. 205, 216, 223, and 1102, 53 Stat. 1368, as amended, 68 Stat. 1080, as amended, 70 Stat. 815, as amended, 49 Stat. 647, as amended; 42 U.S.C. 405, 416, 423, and 1302.)

Effective date. These amendments shall be effective on November 4, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.802, Social Security—Disability Insurance.)

Dated: October 16, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: October 29, 1974.

FRANK CARLUCCI,
Acting Secretary of Health,
Education, and Welfare.

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended to read as follows:

1. Paragraph (b) of § 404.115 is revised to read as follows:

§ 404.115 When disability insured status must be met.

(b) *Disability insurance benefits.* To become entitled to a disability insurance

benefit, in addition to meeting certain other requirements (see section 223(a) of the Act), an individual must meet the insured status requirement for disability insurance benefits as of the first full month that he was under a disability (as defined in § 404.1501(a)), or, if later,

(1) For benefits payable for months before January 1973, as of the 18th month (the 12th month, where no "waiting period" is required—see section 223(a) of the Act) prior to the month in which the application for disability insurance benefits is filed; or

(2) For benefits payable for months beginning January 1973 or later, as of the 17th month (the 12th month, where no "waiting period" is required—see section 223(a) of the Act) prior to the month in which the application for disability insurance benefits is filed, provided the application is filed:

(i) After September 1972; or

(ii) Before October 1972, and

(A) Notice of the final decision of the Secretary was not given to the applicant before October 1972; or

(B) Notice of the final decision of the Secretary was given to the applicant before October 1972 but a civil action with respect to such final decision is commenced under section 205(g) of the Act (whether before, in, or after October 1972) and the decision in such civil action did not become final before October 1972.

If the individual does not meet the insured status requirement at such times, he will be insured for disability insurance benefit purposes as of the first month thereafter in which he acquires such insured status provided that at such later time he meets all other requirements for disability insurance benefits.

2. Section 404.116 is revised as follows:

§ 404.116 Disability insured status.

(a) *Period of disability, general.* For the purpose of establishing a period of disability, an individual has disability insured status as of a calendar quarter if such individual:

(1) Would have been fully insured had the individual filed application for old-age insurance benefits on the first day of such calendar quarter (see § 404.118 for requirement regarding the point in time when fully insured status must be met); and

(2) (i) Had not less than 20 quarters of coverage during the 40-quarter period (see paragraph (e) of this section) which ends with such quarter, or

(ii) Effective with respect to applications for disability determinations filed after December 1967;

(A) Such quarter ends before the individual attains (or would attain) age 31, and

(B) Not less than one-half of the quarters during the period ending with such quarter and beginning with the quarter after he attained the age of 21 were quarters of coverage (when the number of quarters in a period is an odd number, such number is reduced by one). If the number of quarters in such period is less than 12, at least six of the quarters (including quarters prior to age 21) in

the 12-quarter period ending with such quarter must have been quarters of coverage.

(b) *Period of disability—individual who is statutorily blind.* For the purpose of establishing a period of disability, an individual, who is disabled by reason of blindness (as defined in section 216(i)(1) of the Act), has disability insured status as of a calendar quarter if such individual:

(1) Meets the requirements in paragraphs (a)(1) and (a)(2)(i) of this section, or

(2) With respect to applications filed after June 1965, meets the requirements of paragraphs (a)(1), (a)(2)(ii)(A), and (a)(2)(ii)(B) of this section, or

(3) Would have been fully insured (see § 404.118) had the individual filed application for old-age insurance benefits on the first day of such quarter provided an application for a period of disability is filed

(i) After September 1972; or

(ii) Before October 1972, and

(A) Notice of the final decision of the Secretary was not given to the applicant before October 1972; or

(B) Notice of the final decision of the Secretary was given before October 1972 but a civil action with respect to such final decision is commenced under section 205(g) of the Act (whether before, in, or after October 1972) and the decision in such civil action did not become final before October 1972.

(c) *Disability insurance benefits, general.* For the purpose of entitlement to disability insurance benefits, an individual has disability insured status in a month if:

(1) He would have been fully insured (see § 404.118) had the individual filed application for old-age insurance benefits on the first day of such month; and

(2) (i) Had not less than 20 quarters of coverage during the 40-quarter period (see paragraph (e) of this section) which ends with the quarter in which such month occurred, or

(ii) Effective with respect to benefits for months after January 1968 on the basis of an application filed after December 1967:

(A) Such month ends before he attains (or would attain) age 31, and

(B) Not less than one-half of the quarters during the period ending with the quarter in which such month occurred and beginning with the quarter after he attained the age of 21 were quarters of coverage (when the number of quarters in a period is an odd number, such number is reduced by one). If the number of quarters in such period is less than 12, at least six of the quarters (including quarters prior to age 21) in the 12-quarter period ending with such quarter must have been quarters of coverage.

(d) *Disability insurance benefits—individual who is statutorily blind.* For the purpose of entitlement to disability insurance benefits, an individual, who established a period of disability on the basis of blindness (as defined in section 216(i)(1) of the Act), has disability insured status in a month if such individual:

(1) Meets the requirements in paragraphs (c) (1) and (c) (2) (i) of this section, or

(2) Effective with respect to benefits for months after August 1965 on the basis of an application filed after June 1965, meets the requirements of paragraphs (c) (1), (c) (2) (ii) (A) and (c) (2) (ii) (B) of this section, or

(3) Would have been fully insured (see § 404.118) had such individual filed an application for old-age insurance benefits on the first day of such quarter provided an application for disability insurance benefits is filed

(i) After September 1972; or

(ii) Before October 1972; and

(A) Notice of the final decision of the Secretary was not given to the applicant before October 1972; or

(B) Notice of the final decision of the Secretary was given before October 1972 but a civil action with respect to such final decision is commenced under section 205(g) of the Act (whether before, in, or after October 1972) and the decision in such civil action did not become final before October 1972.

For purpose of this paragraph, no monthly benefits under Title II of the Social Security Act shall be payable or increased by reason of this subparagraph (3) for months before January 1973.

(e) *Determining 40-quarter or other period.* In determining the 40-quarter or other period for the purpose of paragraphs (a) (2) or (c) (2) of this section, any quarter which is not a quarter of coverage, all or any part of which is included in a period of disability established for the individual, is not counted as part of such 40-quarter period or such other period. (See §§ 404.103 and 404.104.)

3. A new § 404.118 is added to read as follows:

§ 404.118 *Quarters of coverage requirement for period of disability and/or disability benefits—fully insured status.*

(a) The period for determining the number of quarters of coverage needed to satisfy the fully insured status requirement (see §§ 404.108–404.113) for a female will end as of:

(1) The year of attainment of age 62; or, if earlier

(2) The year in which:

(i) The period of disability begins or disability benefits are payable

(ii) The waiting period (see § 404.308) for disability benefits begins, or if there is no waiting period

(iii) Entitlement to disability benefits begins.

(b) The period for determining the number of quarters of coverage needed to satisfy the fully insured status requirement (see §§ 404.108–404.113) for a male born January 1, 1913, or earlier will end as of:

(1) The year 1975; or, if earlier

(2) The year in which:

(i) The period of disability begins or disability benefits are payable

(ii) The waiting period (see § 404.308) for disability benefits begins, or, if there is no waiting period.

(iii) Entitlement to disability benefits begins.

(c) The period for determining the number of quarters of coverage needed to satisfy the fully insured status requirement (see §§ 404.108–404.113) for a male born January 2, 1913, or later will end as of:

(1) The year of attainment of age 62; or, if earlier

(2) The year in which:

(i) The period of disability begins or disability benefits are payable

(ii) The waiting period (see § 404.308) for disability benefits begins; or, if there is no waiting period

(iii) Entitlement to disability benefits begins.

[FR Doc. 74-25668 Filed 11-1-74; 8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

An order published in the FEDERAL REGISTER of June 5, 1973 (38 FR 14751) amending § 121.2526(a) (5) (21 CFR 121.2526(a) (5)) provides for the use of acrylonitrile polymer with styrene, reaction product with ethylenediamine, acetate, as a sizing material at a level not to exceed 0.25 percent by weight of the dry paper and paperboard, and was promulgated on the basis of an evaluation of the data submitted in two petitions (FAP's 2B2748 and 2B2768) and other relevant material. The data indicated that the additive is intended as a "surface sizing" material, for application after the sheet-forming operation in the manufacture of paper and paperboard in such amount that the final product would contain the additive at a level not in excess of 0.25 percent by weight of the dry paper and paperboard.

A subsequent petition (FAP 4B2938) was submitted proposing amendment of § 121.2526(a) (5) to broaden the use of the additive. The data indicated that the additive would be applied prior to the sheet-forming operation, as an "internal sizing" material, in such amount that the final product would contain the additive at a level not in excess of 1.0 percent by weight of the dry paper and paperboard. The higher level of use of the additive is required for "internal" as opposed to "surface" application to achieve the sizing effect. However, there are no changes in the levels of extractives as a result of an increase in the use level from 0.25 percent to 1.0 percent.

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B2938) filed by American Cyanamid Co., Wayne, NJ 07470, and other relevant material, concludes that the food additive regulations should be

amended as set forth below (1) to clarify the present regulation by making explicit the intended condition of use therein of the additive, acrylonitrile polymer with styrene, reaction product with ethylenediamine, acetate; namely, as a "surface sizing" material to be applied after the sheet-forming operation; and (2) to provide for the broadened use of the additive as an "internal sizing" material to be applied prior to the sheet-forming operation, in the manufacture of paper and paperboard for use in contact with food.

Published elsewhere in this issue of the FEDERAL REGISTER is a proposal to promulgate an interim regulation to provide safe conditions of use for all acrylonitrile copolymers pending further studies on the safety of acrylonitrile monomer and evaluation of the various acrylonitrile copolymer systems currently being marketed. Upon promulgation of the final interim order, § 121.2526 will be cross-referenced to the interim order and subject to the provisions contained therein. In the meantime, the Commissioner concludes that the "virtually nil" level of acrylonitrile monomer extractives possible to food from the uses listed in the subject regulation will result in no harm to the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a) (5) is amended by revising the text in the limitation column for the item "Acrylonitrile polymer with styrene, reaction product with ethylenediamine, acetate" to read as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

(a) * * *

(5) * * *

List of substances	Limitations
Acrylonitrile polymer with styrene, reaction product with ethylenediamine, acetate, having a nitrogen content of 7.4–8.3 percent (Kjeldahl dry basis) and containing no more than 0.25 percent monomer as ethylenediamine. . . .	1. For use only as a sizing material applied after the sheet-forming operation in the manufacture of paper and paperboard in such amount that the paper and paperboard will contain the additive at a level not in excess of 0.25 percent by weight of the dry paper and paperboard. 2. For use only as a sizing material applied prior to the sheet-forming operation in the manufacture of paper and paperboard in such amount that the paper and paperboard will contain the additive at a level not in excess of 1.0 percent by weight of the dry paper and paperboard. . . .

Any person who will be adversely affected by the foregoing order may at any time on or before December 4, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective November 4, 1974.

(Sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348 (c) (1))

Dated: October 29, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc. 74-25588 Filed 11-1-74; 8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ACRYLONITRILE/STYRENE COPOLYMER MODIFIED WITH BUTADIENE/STYRENE ELASTOMER

Notice was given by publication in the FEDERAL REGISTER of September 7, 1973 (38 FR 24391), that a petition (FAP 3B2926) had been filed by E. I. du Pont de Nemours & Co., Wilmington, DE 19898, to provide for safe use of acrylonitrile/styrene copolymers modified with butadiene/styrene in the manufacture of bottles intended to hold soft drinks.

The notice of filing stated that Food and Drug Administration actions on substances used or intended for use in the fabrication of plastic bottles for carbonated beverage and beer use will have a significant effect on the quality of the human environment and, therefore, will require an environmental impact statement. The environmental impact analysis report submitted by the petitioner for the subject additive as a component of soft drink bottles is currently being evaluated as part of the overall consideration of the environmental impact of all plastic bottles for carbonated beverages and beer use as announced by FDA in a notice, published in the FEDERAL REGISTER of September 7, 1973 (38 FR 24391), to manufacturers and distributors of plastic bottles. A draft environmental impact statement is currently being prepared.

Published elsewhere in this issue of the FEDERAL REGISTER is a proposal which discusses a previously unknown migration problem of acrylonitrile monomer, which may be common to many food-contact articles containing acrylonitrile copolymers, and the absence of toxicological data to establish a definitive "no-effect" level for acrylonitrile monomer. The proposal would define the prior sanctions for acrylonitrile copolymers under a new § 121.2010 (21 CFR 121.2010), and it would establish an interim food additive regulation § 121.4010 (21 CFR 121.4010) for such copolymers to allow their continued use for a limited period of time while the questions raised are being resolved by further study. The proposed regulations include a tolerance of 0.3 part per million (ppm) as maximum amount of acrylonitrile monomer which can migrate from the food-contact article, and it requires the submission of certain chemical and toxicological data.

The Commissioner has evaluated data in the food additive petition (FAP 3B2926), and other relevant material, and concludes that the food additive regulations should be amended as set forth below to provide for safe use of the petitioned additive subject to the limitation on migration of proposed interim food additive regulation § 121.4010 when promulgated. To ensure compliance with the proposed acrylonitrile monomer tolerance, an accelerated extraction end test for acrylonitrile monomer is included in this regulation. The subject additive, yielding not more than 0.4 ppm acrylonitrile monomer when tested at 150° F for a period of 8 days, will be in compliance with the 0.3 ppm limitation of the proposed interim regulation when the subject additive is used in accordance with the more restrictive room temperature filling and storage conditions prescribed in this order. Upon adoption of the interim food additive regulation, this regulation will be amended to cross-reference the requirements of § 121.4010.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788; 21 U.S.C. 321 (s), 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2625 Acrylonitrile/styrene copolymer modified with butadiene/styrene elastomer.

Acrylonitrile/styrene copolymer modified with butadiene/styrene elastomer identified in this section may be safely used as a component of bottles intended for use with foods identified in table I of § 121.2526(c) as type VI-B under conditions for use E, F, or G described in table 2 of § 121.2526(c).

(a) **Identity.** For the purpose of this section, acrylonitrile/styrene copolymer modified with butadiene/styrene elastomer consists of a blend of:

(1) 82-88 parts by weight of a matrix copolymer produced by polymerization of

77-82 parts by weight of acrylonitrile and 18-23 parts of styrene; and

(2) 12-18 parts by weight of a grafted rubber consisting of (i) 8-12 parts of butadiene/styrene elastomer containing 77-82 parts by weight of butadiene and 18-23 parts by weight of styrene and (ii) 4-6 parts by weight of a graft copolymer consisting of 70-77 parts by weight of acrylonitrile and 23-30 parts by weight of styrene.

(b) **Adjuvants.** The modified copolymer identified in paragraph (a) of this section may contain adjuvant substances required in its production. Such adjuvants may include substances generally recognized as safe in food, substances used in accordance with prior sanction, substances permitted under applicable regulations in this part, and the following:

Substances	Limitations
n-Dodecylmercaptan.....	The finished copolymer shall contain not more than 500 parts per million (ppm) dodecylmercaptan as dodecylmercaptan determined by a method available upon request from the Commissioner of Food and Drugs.

(c) **Specifications.** (1) Nitrogen content of the modified copolymer is in the range of 17.7-19.8 percent.

(2) Intrinsic viscosity of the matrix copolymer in butyrolactone is not less than 0.5 deciliter/gram at 35° C, as determined by a method available upon request from the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives (HFF-330), 200 C St. SW., Washington, D.C. 20204.

(3) Residual acrylonitrile monomer content of the modified copolymer articles is not more than 11 ppm as determined by a gas chromatographic method available upon request from the Commissioner of Food and Drugs.

(d) **Extractives limitations.** The following extractives limitations are determined by an infrared spectrophotometric method, available upon request from the Commissioner of Food and Drugs, and are applicable to the modified copolymers in the form of particles of a size that will pass through a U.S. Standard Sieve No. 6 and that will be held on a U.S. Standard Sieve No. 10:

(1) The extracted copolymer shall not exceed 2.0 ppm in aqueous extract obtained when a 100-gram sample of copolymer is extracted with 250 milliliters of freshly distilled water at reflux temperature for 2 hours.

(2) The extracted copolymer shall not exceed 0.5 ppm in n-heptane when a 100-gram sample of the basic copolymer is extracted with 250 milliliters spectral grade n-heptane at reflux temperature for 2 hours.

(e) **Accelerated extraction end test.** The modified copolymer shall yield

acrylonitrile monomer not in excess of 0.4 ppm when tested as follows:

(1) The modified copolymer shall be in the form of eight strips $\frac{1}{2}$ inch by 4 inches by .03 inch.

(2) The modified copolymer strips shall be immersed in 225 milliliters of 3 percent acetic acid in a Pyrex glass pressure bottle.

(3) The Pyrex glass pressure bottle is then sealed and heated to 150° F in either a circulating air oven or a thermostat controlled bath for a period of 8 days.

(4) The Pyrex glass pressure bottle is then removed from the oven or bath and cooled to room temperature. A sample of the extracting solvent is then withdrawn and analyzed for acrylonitrile monomer by a gas chromatographic method available upon request from the Commissioner of Food and Drugs.

Any person who will be adversely affected by the foregoing order may at any time on or before December 4, 1974 file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective November 4, 1974.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788; 21 U.S.C. 321(s), 348, 371(a))

Dated: October 29, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc. 74-25589 Filed 11-1-74; 8:45 am]

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CITRIC ACID

Correction

In FR Doc. 74-21188 appearing at page 34188 in the Monday, September 23, 1974 issue, under § 121.1259, make the following change:

On page 34190 in the second line of the last paragraph under the center heading "Reagents and Materials" in the second column, delete "Laboratories, Inc., Muskegan, Mich., or" and insert

instead "Coleman and Bell, East Rutherford, N.J." so that the corrected italicized material in that paragraph reads "1,2-Dichloroethane, spectrograde (Matheson, Coleman and Bell, East Rutherford, N.J., or equivalent)."

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives From the Requirements of Tolerances

LOCUST (CAROB) BEAN GUM; AFFIRMATION OF GRAS STATUS WITH LIMITATIONS AS DIRECT HUMAN FOOD INGREDIENT AND AFFIRMATION OF GRAS STATUS FOR INDIRECT HUMAN FOOD USE

Correction

In FR Doc. 74-21183 appearing at page 34181 of the Monday, September 23, 1974 issue, make the following changes:

1. On page 34182 in the 14th line of item 1 in the first column delete "compositive" and insert "competitive" so that the corrected line reads "create a competitive hardship on cur-".

2. On page 34184 in the 16th line of item 1 in the first column "carbo" should read "carob" so that the corrected line reads "taining locust (carob) bean gum. Several".

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives From the Requirements of Tolerances

SORBITOL; AFFIRMATION OF GRAS STATUS AS DIRECT HUMAN FOOD INGREDIENT

Correction

In FR Doc. 74-21182 appearing at page 34180 of the Monday, September 23, 1974 issue in the next to the last line of item 3 in the third column of page 34180 insert "platinum," after "palladium,".

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives From the Requirements of Tolerances

METHYLPARABEN AND PROPYLPARABEN AFFIRMATION OF GRAS STATUS AS DIRECT HUMAN FOOD INGREDIENTS

Correction

In FR Doc. 74-21186 appearing at page 34176 in the Monday, September 23, 1974 issue § 121.104(f) should read: "The label and labeling of the ingredient and any intermediate mix of the ingredient for use in finished food shall bear, in addition to the other labeling required by the act:".

PART 121—FOOD ADDITIVES

Substances Prohibited From Use in Human Food

Correction

In FR Doc. 74-21189 appearing at page 34172 of the Monday, September 23, 1974 issue, make the following changes:

1. On page 34172 in the fifth line of § 121.106(d)(5) the formula "(C₆H₅NO₂)₂Na" should read "(C₆H₅NO₂)₂Na."

2. On page 34173 in the third line of § 121.106(d)(7) the formula "C₆H₅ClO₂" should read "C₆H₅ClO₃".

3. On page 34173 in the second line of § 121.106(d)(8)(iii) the word "thiourea" should be spelled "thiourea."

4. On page 34173 in the third line of § 121.106(d)(9) the formula "CoSo₂" should read "CoSO₃".

PART 135—NEW ANIMAL DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

Correction

In FR Doc. 74-21842 appearing at page 34030 of the Monday, September 23, 1974 issue the third column of the table appearing under § 436.205(c) on page 34032 now reads "Final concentration in milligrams per milliliter of standard solution." It should read "Final concentration in milligrams per milliliter of sample."

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a new animal drug application (96-273V) filed by Protein Blenders, Inc., Iowa City, IA 52240, proposing safe and effective use of tylosin premix in the manufacture of swine feed. The application is approved.

To facilitate referencing, the firm is being assigned a sponsor code number and placed in the list of firms in 21 CFR 135.501(c).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 135, § 135.501(c) is amended by adding a new sponsor as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

(c)	Code No.	Firm name and address
122	---	Protein Blenders, Inc., Box 631, 2420 Highway 218 South, Iowa City, Iowa 52240.

2. In Part 135e, § 135e.10 is amended by adding a new paragraph (b)(19) to read as follows:

§ 135e.10 Tylosin.

(b) (19) To 122: 0.8 gram per pound; item 4.

Effective date. This order shall be effective November 4, 1974.

(Sec. 512(i), 82 Stat. 1786; 21 U.S.C. 360b(i))

Dated: October 24, 1974.

C. D. VAN HOUWELING,
Director, Bureau of
Veterinary Medicine.

[FR Doc.74-25595 Filed 11-1-74; 8:45 am]

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated new animal drug applications filed by Vita Plus Corp., 1508 W. Badger Rd., P.O. Box 926, Madison, WI 53701 (97-287V) and The O. A. Cooper Co., Humboldt, NE 68376 (96-779V), proposing safe and effective use of tylosin premix in the manufacture of swine feed. These applications are approved.

To facilitate referencing, the firms are being assigned sponsor code numbers and placed in the list of firms in 21 CFR 135.501(c).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 135c, § 135.501(c) is amended by adding new sponsors as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

Code No.	Firm name and address
123---	Vita Plus Corp., 1508 West Badger Rd., P.O. Box 926, Madison, Wis. 53701.
124---	The O. A. Cooper Co., Humboldt, Nebr. 68376.

2. In Part 135e, § 135e.10 is amended by adding new paragraph (b) (20) and (21) to read as follows:

§ 135e.10 Tylosin.

(b) * * *

(20) To 123: 0.4 and 0.8 gram per lb., item 4.

(21) To 124: 2.0 grams per lb., item 4.

Effective date. This order will be effective November 4, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: October 24, 1974.

C. D. Van Houweling,
Director, Bureau of
Veterinary Medicine.

[FR Doc.74-25594 Filed 11-1-74; 8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

PART 149b—AMPICILLIN FOR VETERINARY USE

Sterile Ampicillin Suspension, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (55-064V) filed by E. R. Squibb & Sons, Inc., Georges Rd., New Brunswick, NJ 08902 proposing safe and effective use of sterile ampicillin suspension for the treatment of bacterial enteritis in calves. The application is approved.

The drug is subject to the batch certification provisions of section 512(n) of the Federal Food, Drug, and Cosmetic Act. This order provides for appropriate amendments to the antibiotic drug certification regulations for veterinary use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350-351; 21 U.S.C. 360b (i) and (n)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135b and 149b are amended as follows:

1. Part 135b is amended by adding a new section as follows:

§ 135b.104 Sterile ampicillin suspension, veterinary.

(a) **Specifications.** Sterile ampicillin suspension, veterinary, contains 200 milligrams of ampicillin (as ampicillin trihydrate) per milliliter of nonaqueous vehicle and conforms to the requirements of § 149b.27 of this chapter.

(b) **Sponsor.** See code No. 035 in § 135.501(c) of this chapter.

(c) **Related tolerances.** See § 135g.83 of this chapter.

(d) **Conditions of use.** (1) The drug is administered intramuscularly to calves for the treatment of bacterial enteritis caused by *E. coli* susceptible to ampicillin.

(2) It is administered at a dose of 3 milligrams per pound of body weight, once or twice daily, for up to 3 days.

(3) It is not for use in other animals raised for food production.

(4) Treated animals must not be slaughtered for food use during treatment or for 9 days after the last treatment.

(5) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

2. Part 149b is amended by adding a new section as follows:

§ 149b.27 Sterile ampicillin trihydrate suspension, veterinary.

(a) **Requirements for certification—**

(1) **Standards of identity, strength, quality, and purity.** Sterile ampicillin trihydrate suspension, veterinary, is ampicillin trihydrate in a suitable and harmless oil base. It may contain one or more suitable and harmless preservatives, antioxidants, and complexing or suspending agents. It contains, in each milliliter, an amount of ampicillin trihydrate equivalent to 200 milligrams of ampicillin.

Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. It is sterile. Its moisture content is not more than 4.0 percent. The ampicillin trihydrate used conforms to the requirements of § 440.7a(a) (1) of this chapter.

(2) **Labeling.** It shall be labeled in accordance with the requirements of §§ 135b.104 and 148.3 of this chapter.

(3) **Requests for certification; samples.** In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) The results of tests and assays on:

(a) The ampicillin trihydrate used in making the batch for potency, safety, loss on drying, pH, ampicillin content, crystallinity, and identity.

(b) The batch for potency, sterility, and moisture.

(ii) **Samples required:**

(a) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) **The batch:**

(1) For all tests except sterility: A minimum of 5 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) **Tests and methods of assay—**(1) **Potency.** Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive:

(i) **Microbiological agar diffusion assay.** Proceed in accordance with § 436.105 of this chapter, preparing the sample as follows: Using a 22-gage hypodermic needle and suitable syringe, place an accurately measured representative portion of the sample (usually 1 milliliter) into a high-speed glass blender jar. Add 1.0 milliliter of polysorbate 80 and sufficient 0.1M potassium phosphate buffer, pH 8.0 (solution 3) to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter.

(ii) **Iodometric assay.** Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Using a suitable syringe and needle, transfer a 2.5-milliliter portion of the sample to a separatory funnel containing 100 milliliters of diethyl ether. Extract twice with 150 milliliters of 0.2N hydrochloric acid, collecting the extracts in a 500-milliliter volumetric flask. Bring to volume with distilled water to obtain a concentration of 1 milligram per milliliter (estimated).

(2) **Sterility.** Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (2) of that section, except use medium B in lieu of medium A.

(3) **Moisture.** Proceed as directed in § 436.201 of this chapter.

Effective date. This order shall be effective on November 4, 1974.

(Sec. 512 (i), and (n), 82 Stat. 347, 350-351; 21 U.S.C. 360b (i), and (n))

Dated: October 24, 1974.

C. D. VAN HOUWELING,
Director, Bureau of
Veterinary Medicine.

[FR Doc.74-25592 Filed 11-1-74;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin and Sulfamethazine

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (94-402V) filed by Hubbard Milling Co., Mankato, MN 56001, proposing an alternate source of drug ingredients used in the manufacture of a premix containing tylosin and sulfamethazine. The supplemental application has been approved; however, it is concluded that amendment of the corresponding regulation regarding the source of drug used in the manufacture of the premix is not required for the purpose of section 512(i) of the act. A provision previously published including such information is being deleted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.36 is amended by revising paragraph (b) (2) to read as follows:

§ 135e.36 Tylosin and sulfamethazine.

(b) * * *

(2) Premix levels of 10 grams of tylosin (as tylosin phosphate) per pound and 2.2 percent sulfamethazine have been granted to code No. 101 in § 135.501(c) of this chapter.

Effective date. This order shall be effective November 4, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: October 25, 1974.

C. D. VAN HOUWELING,
Director, Bureau of
Veterinary Medicine.

[FR Doc.74-25591 Filed 11-1-74;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Departmental Reg. 108.706]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Crew-List Visas

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to simplify the procedure required in issuing crew-list visas provided by § 41.127 (e) (4).

Section 41.127(e) (4) is amended to read:

§ 41.127 Crew-list visas.

(e) *Procedure in issuing.* * * * (4) The consular officer shall sign the visa and indicate his title. The impression seal of the consular office shall be affixed on the visa stamp only when the visa has been stamped by a rubber hand-stamp.

Effective date. Compliance with the provisions of Section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 41.127(e) (4) is merely a technical change designed to simplify the process of issuing crew-list visas. The amendment becomes effective on November 8, 1974.

Dated: September 26, 1974.

For the Secretary of State.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs,
Department of State.

[FR Doc.74-25652 Filed 11-1-74;8:45 am]

[Departmental Reg. 108.707]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to include the German Democratic Republic in the list of countries the nationals of which may, on a reciprocal basis, transit the United States without a visa or passport under certain conditions as provided in § 41.6(e) (1).

Paragraph (e) (1) of § 41.6 is amended to read:

§ 41.6 Nonimmigrants not required to present passports, visas, or border crossing identification cards.

(e) *Aliens in immediate transit.*—(1) *Aliens in bonded transit.* A passport and visa are not required of an alien who is being transported in immediate and continuous transit through the United States in accordance with the terms of an agreement entered into between the transportation line and the Immigration and Naturalization Service under the provisions of section 238(d) of the Act on Form I-426 to insure such immediate and continuous transit through and departure from, the United States en route to a specifically designated foreign country, provided that such alien is in possession of a travel document or documents establishing his identity and nationality and ability to enter some country other than the United States. This waiver of visa and passport requirements is not available to an alien who is a citizen of Cuba. This waiver of visa and passport requirements is not available to an alien who is a citizen of North Korea ("Democratic Peoples' Republic of Korea") or North Viet-Nam ("Democratic Republic of Viet-Nam"), and is a resident of one

of the said countries, and is on a basis of reciprocity, available to a national of Albania, Bulgaria, Czechoslovakia, Estonia, the German Democratic Republic, Hungary, Latvia, Lithuania, Mongolian People's Republic, People's Republic of China, Poland, Romania, or the Union of Soviet Socialist Republics resident in one of said countries, only if he is transiting the United States by aircraft of a transportation line signatory to an agreement with the Immigration and Naturalization Service on Form I-426 on a direct through flight which will depart directly to a foreign place from the port of arrival.

Effective date. Compliance with the provisions of Section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 41.6(e) (1) does not adversely affect anyone's rights or privileges. The amendment will become effective on November 4, 1974.

For the Secretary of State.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs,
Department of State.

OCTOBER 21, 1974.

JAMES F. GREENE,
Acting Commissioner, Immigration and Naturalization Service,
Department of Justice.

OCTOBER 25, 1974.

[FR Doc.74-25653 Filed 11-1-74;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR SUBCHAPTER U—ELECTRIC POWER SYSTEM

PART 233—SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Revision and Rates

OCTOBER 25, 1974.

This notice is published in the exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 29372 of the FEDERAL REGISTER of August 15, 1974 (39 FR 29372-29375), there was published a notice of proposed rulemaking to amend Part 233 of Title 25 of the Code of Federal Regulations. The regulations were proposed pursuant to 5 U.S.C. 301 (1970 ed.), section 5 of the Act of June 7, 1924 (43 Stat. 475, 476), and the Act of March 7, 1928 (45 Stat. 200, 210-211).

The purpose of the proposed amendment is to provide additional power revenue to meet the increased cost of operating and maintaining the power system of the San Carlos Indian Irrigation Proj-

ect, Arizona, and to revise the regulations to make them compatible with prevailing practices, as follows:

Eliminate the subheading "Interim Regulations and Rates" under the heading of Part 233.

§ 233.1—Eliminate reference to Part 231.

§ 233.5—Eliminate provisions for allowing property owners exemption from posting deposit.

§ 233.6—Change extension policy so that length of extension at Government expense is not tied to amount of monthly minimum.

§ 233.7—Eliminate provision for repaying customer for construction costs.

§ 233.9—Raise requirement for 3-phase service from 5 HP motor to 7½ HP and eliminate requirement for written approval for other than 115 or 230 volt single phase service.

§ 233.10—Lower the minimum meter height requirement for underground service.

§ 233.21—Change date of delinquency to 10 days after date of issue of arrears, and increase in reconnection charge to \$10.00.

Interested persons were given 30 days in which to submit written comments, suggestions or objections regarding the proposed amendments.

No comments, suggestions, or objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Because the additional power revenue is urgently needed to provide adequate and proper operation and maintenance of the San Carlos Indian Irrigation Project power system, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d) (3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective on November 4, 1974.

RAYMOND V. BUTLER,
Acting Deputy Commissioner
of Indian Affairs.

- Sec.
- 233.1 Effective date; changes.
- 233.2 Authority of Project Engineer.
- 233.3 Disputes.
- 233.4 Applications; contracts.
- 233.5 Deposits.
- 233.6 Extensions.
- 233.7 Installation or extension financed by consumer.
- 233.8 Temporary service.
- 233.9 Type of service.
- 233.10 Service connections.
- 233.11 Connection methods.
- 233.12 Multiple meter installations.
- 233.13 Consumer responsibility.
- 233.14 Change of equipment.
- 233.15 Apparatus detrimental to service.
- 233.16 Motor starting equipment.
- 233.17 Service discontinued.
- 233.18 Bills for service.
- 233.19 Special bills.
- 233.20 Connect, reconnect, and accounting charges.
- 233.21 Delinquent bills.
- 233.22 Discontinuance by consumer.
- 233.23 Fraud; tampering.
- 233.24 Compensation of employees.
- 233.25 Hardship cases.
- 233.26 Interruptions to service.

- 233.27 Contingent upon appropriations.
- 233.51 Rate Schedule No. 1—Residential rate.
- 233.52 Rate Schedule No. 2—General rate.
- 233.53 Rate Schedule No. 3—Irrigation and commercial pumping rate.
- 233.54 Rate Schedule No. 4—Street and area lighting.
- 233.55 Rate Schedule No. 5—Commercial rate.

AUTHORITY: Sec. 5, 43 Stat. 476; 45 Stat. 210, 211; 5 U.S.C. 301.

§ 233.1 Effective date; changes.

The regulations in this part are approved for the conduct of the electric power system of the San Carlos Project, Arizona, referred to in this part as the Project. The regulations in this part shall become effective with the first billings made after the first day of the second calendar month which begins after the date of publication in the FEDERAL REGISTER. The regulations in this part are subject to change by the proper authority and such changes shall apply to all contracts then and thereafter in effect.

§ 233.2 Authority of Project Engineer.

The Project Engineer is responsible for the operation of the electric power system and the enforcement of the regulations in this part. He is authorized to carry out and enforce the regulations either directly or through the Power Manager or other Project employees designated by him.

§ 233.3 Disputes.

Any aggrieved party may file with the Project Engineer a written complaint regarding the application of the regulations. Within fifteen days after its receipt, the Project Engineer shall render a written decision thereon and serve a copy thereof on the aggrieved party. Within fifteen days from receipt of such decision, the aggrieved party may take an appeal to the Commissioner of Indian Affairs who shall render his decision within sixty days and his decision shall be final. Pending the determination of an appeal, electric service shall be continued, except in cases in which the question of the existence of dangerous conditions on the premises of the consumer is involved: *Provided*, The consumer pays the amount of each bill for electric service prior to the time when it becomes delinquent. If the question of the amount of the bill is involved in an appeal, the consumer shall be deemed to have paid the bill under protest and the payment shall be held in a special deposit account until the final decision has been made.

§ 233.4 Applications; contracts.

In order to contract for the delivery of power, a written application for service under this part accompanied by the required cash deposit and guarantee of the required minimum revenues to the Project, shall be filed with the Project Engineer. Upon acceptance by him, the application will become a contract. In general, such application will be accepted where service lines exist. When special terms and conditions are involved in con-

tracting for service, the Project Engineer shall require the execution of a form of contract in which such terms and conditions are fully set forth. Each contract involving the construction of a new extension shall be for a period of at least one year, but if the consumer vacates the premises, he shall be liable for the unpaid guaranteed revenue only to the extent that it is not liquidated by the succeeding occupant of the premises. The Project Engineer is authorized to reject applications which he deems to be adverse to the best interests of the Project.

§ 233.5 Deposits.

A cash deposit in an amount equal to twice the estimated monthly bill, but in no case less than \$30.00 will be required from each applicant. Any cash deposit, less the amount of any unpaid bills, shall be refunded after the termination of service. Before extensions are constructed each applicant must deposit an amount sufficient to cover his portion of the required minimum charges for a period of not less than one year, and must otherwise establish his credit and satisfy the Project Engineer of his intention to take service and his ability to meet the guarantee.

§ 233.6 Extensions.

(a) The length of an extension constructed at the expense of the Project shall not exceed the following:

In urban areas:	Feet
Single phase extensions.....	100
Three phase extensions.....	80
In rural areas:	
Single phase extensions.....	330
Three phase extensions.....	210

(b) The length of an extension shall include the horizontal length of both the primary and secondary circuits exclusive of the service drops. Insofar as practicable, all extensions shall be constructed along established highways. The prospective consumer, or consumers, shall furnish or procure satisfactory rights-of-way necessary for the lines and other facilities of the Project incidental to the furnishing of service. The Project Engineer may decline to construct any extension which, in his opinion, will be excessive in cost, or detrimental to the best interest of the Project, or for which funds are not available.

§ 233.7 Installation or extension financed by consumer.

If funds, material or labor are not otherwise available for an installation or extension, or if an extension to a prospective consumer will require new construction beyond the distances specified in § 233.6, the consumer or prospective consumer may, after executing an appropriate contract satisfactory to the Project Engineer, construct the needed installation or extension, or deposit funds estimated to be sufficient to pay for the construction. Such installations or extensions shall be built in accordance with suitable plans and specifications approved by the Project Engineer. All extensions when constructed shall be and remain the property of the United States.

§ 233.8 Temporary service.

Temporary service refers to service to circuses, bazaars, fairs, construction works, and other activities or businesses of such a nature that service to the premises occupied by them will probably be discontinued within five months. An applicant for temporary service shall be required to deposit with the Project Engineer a sum of money equal to the estimated cost of installing and removing the necessary facilities and also an additional sum equal to the estimated bill for electrical service: *Provided, however,* That such additional sum need not be greater than three times the estimated monthly bill. After termination of service, there shall be refunded any amount remaining on deposit, in excess of the actual cost of installing and removing facilities, plus the unpaid amount of bills for electric power and energy, as determined by the Project Engineer.

§ 233.9 Type of service.

Service for lights and the usual domestic and other appliances, including motors of less than seven and one-half horsepower shall be single phase, nominally 115 or 230 volts and two or three wire, except when special approval for another type of service has been obtained from the Project Engineer. Three-phase service at suitable voltage may be furnished for motor installations of seven and one-half horsepower and over, provided a three-phase circuit of the required voltage and capacity is available where the service is desired. All service will be sixty cycle.

§ 233.10 Service connections.

On each new service the consumer shall provide and maintain a service entrance at a location convenient to the lines of the project, and all connections from the service entrance to the meter base and from the meter base to the main line circuit breaker or distribution center. The meter will be furnished by the United States. The meter socket will be furnished and installed by the consumer and in a suitable location, preferably on the outside of the building, or service pole, where the meter will be accessible to the meter reader at all times. Except for underground service installations, the meter socket shall not be more than 7 feet nor less than 5 feet above the ground or floor. For underground service installations, the meter shall be mounted a minimum of 3 feet above the ground or floor. The entire service installation must be satisfactory to the project engineer and must conform to the provisions then in force of the National Electrical Code of the National Board of Fire Underwriters for Electric Wiring and Apparatus. When alterations of a consumer's premises make it necessary to move an existing meter loop, the consumer may be required to install a meter socket in the new loop, located in conformity with the stipulations of this section. When an inspection is required by municipal ordinance, the project engineer shall require a certificate of inspection and approval by the municipal inspector before connecting a new service.

§ 233.11 Connection methods.

Service to a consumer's premises will ordinarily be supplied by means of overhead conductors. A consumer may at his own expense provide for an underground service. Such an underground service must be installed in accordance with the provisions of the National Electrical Code and shall be terminated on the pole at a location and in the manner directed by the Project Engineer. No connection from the circuits of the Electrical Power System to a consumer's service entrance shall be made except by the Project or its agents.

§ 233.12 Multiple meter installations.

In the case of new installations in multiple-occupancy buildings such as apartment houses in connection with which more than one meter in a building is required, the meters shall be assembled at one central location. Each meter shall be clearly marked so as to make it possible to identify the consumer.

§ 233.13 Consumer responsibility.

The consumer shall furnish, install and maintain at his own risk and expense in good and safe condition all protective devices, electric wires, lines, machinery, apparatus, and appliances which may be required or used for receiving and consuming electric energy obtained from the Project. The consumer shall be responsible for conforming to the regulations of the National Board of Fire Underwriters and to any other regulations applicable to his installation.

§ 233.14 Change of equipment.

In the event that a consumer proposes to make any material change in the amount, size or character of the electrical equipment installed on his premises, he shall immediately give written notice of his intention to the Project Engineer.

§ 233.15 Apparatus detrimental to service.

The Project Engineer may refuse to supply loads of a character detrimental to the system, or to service to other consumers, and he may require the installation of suitable corrective devices.

§ 233.16 Motor starting equipment.

Motors having a rated capacity of three horsepower or more shall be provided with such starting and overload equipment as may be required by the Project Engineer.

§ 233.17 Service discontinued.

The Project Engineer may discontinue electric service to any consumer who shall continue to use appliances or apparatus detrimental to the Electric Power System after he has been notified to correct the condition and has failed to do so within a reasonable time.

§ 233.18 Bills for service.

Meters will normally be read and bills for electric service will be rendered at regular intervals. Payments by consumers should be made in person or remitted by check or money order, payable to the order of the Treasurer of the United

States, and mailed to the designated office of the Project.

§ 233.19 Special bills.

Special bills, removal bills, bills for temporary service, bills rendered when premises are vacated or bills rendered to persons discontinuing services are due on presentation.

§ 233.20 Connect, reconnect, and accounting charges.

A nonrefundable service establishment fee of \$7.50 will be charged each time the Project is requested to establish or reestablish electric service to the customer's delivery point. The charge will be included in and rendered with the first month's bill for electricity after connection or reconnection service. An accounting charge of \$5 will be made when a check is returned unpaid by a bank because of insufficient funds or other reasons. This charge will be in addition to any other applicable charges and will appear on the next month's bill for electricity.

§ 233.21 Delinquent bills.

Bills for electric service will be delinquent if not paid on or before the tenth day following the date of issue of a bill showing arrears. When such delinquency occurs, the Project Engineer shall discontinue service and service shall not be restored until the consumer has paid all bills then due plus a reconnection charge of \$10.00 and has made the deposit required under § 233.5. Discontinuance of service for delinquency shall not relieve the consumer of liability for minimum monthly payments guaranteed by him under his contract.

§ 233.22 Discontinuance by consumer.

Notice of his desire to have service disconnected shall be given by the consumer at least two days in advance. In the absence of such notice the consumer will be held liable for payment of all electrical energy furnished to such vacated premises until service is discontinued. Final bills may be paid by application of the consumer's guarantee deposit to the extent that they are covered thereby. Any surplus remaining in the deposit will be returned to the consumer after the contract is terminated. Where the deposit is insufficient, the consumer will be billed for the difference which shall be immediately due and payable.

§ 233.23 Fraud; tampering.

Service shall be discontinued to any consumer, or to any premises at any time when, in the opinion of the Project Engineer, such action is necessary to protect against abuse, fraud, or theft. Tampering or in any way interfering with meters, transformers, poles, conductors, or any part of the property of the Project is prohibited and is subject to prosecution pursuant to law.

§ 233.24 Compensation of employees.

All employees are strictly forbidden to demand or accept any personal compensation for services rendered to a consumer, or any gratuity by reason of rendition of services.

§ 233.25 Hardship cases.

The Project Engineer may relax temporarily strict enforcement of a regulation when in his judgment such enforcement would work undue hardship upon a consumer, but all such cases shall be reported promptly to the Commissioner of Indian Affairs with an explanation by the Project Engineer of the reason for taking such action. The Commissioner of Indian Affairs may cancel the action taken by the Project Engineer.

§ 233.26 Interruptions to service.

The United States will furnish energy continuously so far as reasonable diligence will permit. But the United States, its officers, agents or employees, assume no liability for damages due to interruptions of service to the consumer.

§ 233.27 Contingent upon appropriations.

All contracts are subject to appropriations made by Congress from year to year of monies sufficient to perform the work or render the service provided therein. No liability shall accrue against the United States by reason of the lack of appropriations.

§ 233.51 Rate Schedule No. 1—Residential rate.

(a) *Application of schedule.* This schedule is applicable to single-phase or three-phase service for residences and small, noncommercial users. Unless specifically permitted by the contract, use must be limited to the consumer's own premises and power supplied must not be resold. If more than one meter is required by the customer's installation or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.* (1) Four dollars, which includes the use of 50 kilowatt hours.

(2) 4 cents per kilowatt hour for the next 100 kilowatt hours.

(3) 3 cents per kilowatt hour for the next 100 kilowatt hours.

(4) 2 cents per kilowatt hour for the next 250 kilowatt hours.

(5) 1.4 cents per kilowatt hour for all additional kilowatt hours.

(c) *Minimum bill.* The minimum bill shall be \$4 per month except when a higher minimum bill is stipulated in the contract.

§ 233.52 Rate Schedule No. 2—General rate.

(a) This schedule is applicable to three-phase electric service for all purposes and is especially suitable for larger commercial and industrial concerns. Unless specifically permitted by the contract, use must be limited to the consumer's premises and the power supplied must not be resold. If more than one meter is required by the customer's installation, or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.* (1) 2.6 cents per kilowatt hour for the first 25 kilowatt hours per kilowatt of billing demand.

(2) 1.7 cents per kilowatt hour for the next 50 kilowatt hours per kilowatt of billing demand.

(3) 1.25 cents per kilowatt hour for all additional kilowatt hours.

(c) *Minimum bill.* The minimum bill shall be 75 cents per month per kilowatt of billing demand.

(d) *Contract demand.* Each contract shall state the number of kilowatts which the customer expects to require and desires to have reserved for his service. This quantity is called the contract demand.

(e) *Actual demand.* The actual demand for any month shall be the average amount of power used during the period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters, or, if meters are unavailable, the actual demand shall be connected load or such portion of the connected load as the Project Engineer may determine to be appropriate based on available information as to the customer's use of connected lights, appliances, and equipment, or from check metering.

(f) *Billing demand.* The billing demand for a month shall be the contract demand or the actual demand for the month, whichever is greater.

§ 233.53 Rate Schedule No. 3—Irrigation and commercial pumping rate.

(a) *Application of schedule.* This schedule is applicable to three-phase electric service for irrigation or commercial pumping loads of 25 kilowatts demand or more. The necessary metering equipment will be supplied and maintained by the Project for all installations. Each service will be at one point of delivery and measured through one meter. This schedule is not applicable to temporary, breakdown, standby, supplementary, nor resale service.

(b) *Monthly rate.* The sum of demand and energy charges as follows:

(1) Demand charges of 75 cents per kilowatt of billing demand, and

(2) Energy charges of 7.5 mills per kilowatt hour for the first 200 kilowatt hours per kilowatt of billing demand, and

(3) Energy charges of 10 mills per kilowatt hour for all additional kilowatt hours.

(c) *Minimum bill.* The minimum bill shall be 75 cents per month per kilowatt of billing demand.

(d) *Billing demand.* The billing demand for a month shall be the contract demand or the actual demand for that month, whichever is the greater.

(e) *Contract demand.* Each customer shall state the number of kilowatts which the customer expects to require and desires to reserve for his service. This quantity is called the contract demand.

(f) *Actual demand.* The actual demand for any month shall be the average amount of power used during the period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters, or, if

meters are unavailable or inoperable, the actual demand shall be the connected load or such portion of the connected load as the Project Engineer may determine to be appropriate based on available information as to the customer's use of connected load or from check metering.

§ 233.54 Rate Schedule No. 4—Street and area lighting.

(a) *Application.* This rate schedule applies to service for lighting public streets, alleys, thoroughfares, public parks, schoolyards, industrial areas, parking lots, and similar areas where dusk-to-dawn service is desired. The Project will own, operate, and maintain the lighting system including normal lamp and globe replacements.

(b) *Monthly rate.* (1) Lamps:

	Per lamp
200 watts or less, incandescent (2,800 lumens or less).....	\$2.80
175 watts mercury vapor (approximately 6,500 lumens).....	4.50
250 watts mercury vapor (approximately 10,000 lumens).....	5.40
400 watts mercury vapor (approximately 18,000 lumens).....	7.00

The minimum term of a service contract will be 12 months, payable in advance. The advance payment may be waived in special cases by the Project Engineer. Installation charges, the cost of wood poles or special steel, aluminum, or other supports, special fixtures, and the cost of underground service, will be charged as determined by the Project Engineer.

§ 233.55 Rate Schedule No. 5—Commercial rate.

(a) *Application of schedule.* This schedule is applicable to single-phase or three-phase service to commercial users, including but not limited to stores, garages, service stations, taverns, motels, mobile home parks, light manufacturing and industrial plants, and installations with similar load characteristics having normal load factors and maximum demands of less than 50 kilowatts. Unless specifically permitted by the contract, use must be limited to the consumer's own premises and power supplied must not be resold. If more than one meter is required by the customer's installation or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.* (1) Four dollars, which includes the use of 50 kilowatt hours.

(2) 4 cents per kilowatt hour for the next 200 kilowatt hours.

(3) 3 cents per kilowatt hour for the next 300 kilowatt hours.

(4) 2 cents per kilowatt hour for the next 450 kilowatt hours.

(5) 1.5 cents per kilowatt hour for all additional kilowatt hours.

(c) *Minimum bill.* The minimum bill shall be \$4 per month except when a higher minimum bill is stipulated in the contract.

[FR Doc.74-25650 Filed 11-1-74; 8:45 am]

RULES AND REGULATIONS

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN PUBLIC ASSISTANCE PROGRAMS

Community Work and Training Program; Revocation

Part 233, Chapter II, Title 45 of the Code of Federal Regulations is amended by revoking § 233.140. This regulation was adopted to implement the provisions of section 204(c) (2) of P.L. 90-248 (the Social Security Amendments of 1968), which made inapplicable the provisions of section 409 of the Act.

The regulation language which limited Federal financial participation with respect to "payments for work performed" has proved confusing now that, under *New York Department of Social Services v. Dublino*, States have the option of requiring participation in a community work program as a condition for receipt of assistance.

Part 233 of Chapter II Title 45, of the Code of Federal Regulations is amended by revoking § 233.140.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective date. This regulation shall be effective on November 4, 1974.

Dated: October 11, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and
Rehabilitation Service.

Approved: October 29, 1974.

FRANK CARLUCCI,
Acting Secretary of Health,
Education, and Welfare.

[FR. Doc. 74-25669 Filed 11-1-74; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19880; FCC 74-1156]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 89—PUBLIC SAFETY RADIO SERVICES

Communications for Emergency Medical Services

Memorandum opinion and order. In the matter of amendments of Parts 2 and 89 of the Commission's rules and regulations relating to communications for Emergency Medical Services. Docket No. 19880; FCC 74-1156.

1. On July 2, 1974, the Commission adopted a Report and Order in the above-entitled proceeding that was published in the *FEDERAL REGISTER* on July 16, 1974, (39 FR 137). The action amended Parts 2 and 89 of the Commission's rules to provide frequency allocations and general regulatory provisions for the licensing and operation of medical services radio communication systems in the Special Emergency Radio Service.

REQUESTS FOR RECONSIDERATION

2. Petitions for reconsideration as to certain of the new medical services rules have been submitted by the Land Mobile Section of the Communications Division of the Electronic Industries Association (EIA), and by the Division of Communications State of Florida, and by the Division of Communication State of Colorado. Primarily, the EIA and Florida petitions, and in part the Colorado petition, concern the requirement for multi-channel equipment capability which is imposed under the new rules for use of medical services frequencies in the 463/468 MHz band. The applicable amendment in § 89.525(f) (2) states:

Licenses operating on the paired 463/468 MHz frequencies in this block must utilize equipment that is type-accepted for eight-channel capacity i.e., capability for all respective transmit or receive frequencies in either the 463 or 468 MHz band.

3. Issues raised by the petitioners regarding this equipment requirement relate to cost factors, to impact on flexibility in system design, and to availability of necessary equipment. Each of these problems has already been considered in the rule-making proceeding. However, new industry studies and other information developed since adoption of the medical services rules indicate factors that warrant partial reconsideration of the multi-channel equipment requirements. To this extent, therefore, we have determined to grant the petitioners' requests for reconsideration.

4. Florida also urges reconsideration action in two other areas. It requests that the Commission re-evaluate the need for a nationwide "scene-of-action" or "networking" channel for medical services and designate a common calling frequency for this purpose. However, consideration has already been given in the proceeding to arguments concerning dedication of a channel for "national calling". Objections to this proposal, contending the allocation would be of little practical purpose, were noted in the Report and Order and it was determined that requirements for common calling should be met on a voluntary local basis on frequencies already allocated for medical services. To this end, in the VHF band, the frequency 155.340 MHz is widely assigned and has been made available to be used locally as an inter-system mutual aid channel; in the UHF band, the paired 460/465 MHz frequencies are available for dispatch operations, but may also be used for intersystem common calling. The Florida petition does not present any new facts to justify a different approach and the request will be denied.

5. The 460/465 MHz band dispatch frequencies are also involved in Florida's other reconsideration request. Here, Florida asks that we consider an exchange of these frequencies for two Police Radio Service channels at 462/467 MHz, which would be contiguous to the 463/468 MHz medical services frequencies. The purpose is to enable the combined use of the eight paired 463/468 MHz channels and the two paired

462/467 MHz channels on the same radio equipment. We appreciate Florida's desire to be able to operate on all ten channels with the same equipment, although in many situations separate facilities for dispatch and common calling may be desirable.¹ However, the two 462/467 MHz frequencies, allocated to the Police Radio Service, are already assigned to and are used by several licensees and the two 460/465 pairs have also been extensively assigned and are in use. Thus, before reallocating these pairs we will need to consider, in context of a separate rule making proceeding, among other things, the impact of such change to existing users and to those who may have gone ahead in planning radio systems on these frequencies. This process takes time and would further delay implementation of planned medical communication systems which have been awaiting completion of this proceeding. For these reasons, we will deny Florida's request. However, its suggestion will be considered further in a proceeding we plan concerning the two 462/467 MHz Police Radio Service frequency pairs.

6. The State of Colorado discussed a number of additional points, some of which are beyond the scope of this proceeding (e.g., rule limitations on the number of portables authorized to rescue squads; assignment restrictions imposed by footnotes 15 and 16 in § 89.525). It also discusses points previously considered regarding coordination of frequencies, and operations in the 155 MHz VHF frequency band, and no new arguments have been presented to require reconsideration. Thus, reconsideration in these respects is being denied.

RECONSIDERATION OF MULTI-CHANNEL EQUIPMENT REQUIREMENT

7. It is apparent to the Commission that the necessity for reconsideration as to the multi-channel equipment requirement results in part from a need for greater clarification. In the Report and Order, the Commission stated:

... the rules will require licensees to employ multi-channel equipment that is designed for use of any of these frequencies, or all of them, if necessary. This will contribute to greater efficiency in selection and utilization of channels, and will enable licensees to be compatible for participation in the development of common systems under medical communication plans ...

¹The Commission did not contemplate that a total radio communication system, designed to respond to the complexities of today's medical services needs, could always be met effectively in one frequency band. The variety of requirements simply renders such a possibility unrealistic. One example of the limiting factors is the problem in many systems of conducting the dispatch function on the same frequencies and equipment that are utilized for medical instruction or biomedical telemetry. Paging is another example since it is not allowed on any UHF frequencies and separate equipment for this function will be necessary. Thus, we anticipate that a complete medical radio system will necessarily often employ a number of stations operating in different frequency bands to meet many kinds of communication requirements.

8. The requirement is intended to assure that every licensee who chooses to operate on the eight pairs of UHF frequencies in the 463/468 MHz bands can change from one channel to another as needed. For example, in intrasystem operations, when a channel for a telemetry transmission is required and a frequency normally used for this type of operation is being utilized within the system or by another licensee, a different frequency can be immediately employed for the emergency. Similarly, in an inter-system operation requiring networking capability, all medical elements in any area will be assured of having a frequency in common since each can change to the appropriate channel. The important point of clarification is that we do not here impose a requirement that a licensee have the ability to simultaneously transmit on more than one frequency—only that there be capability, consistent with the flexibility concept for operation of UHF medical radio systems, to operate on any of the eight frequency pairs. It seems obvious, therefore, that a licensee should be allowed to meet the equipment requirement by utilizing any combination of type-accepted single and/or multi-channel equipment that can achieve the required channel capability. If a licensee requires for its own operational objectives to transmit simultaneously on more than a single channel, it may so design its facilities. But, this is not a requirement. Language to this effect is recommended by EIA in a supplement to its petition and we agree that the rule should be modified in this manner. One effect of this rule change would be to alleviate any important difficulty in obtaining requisite equipment, a major concern expressed in the Florida petition.

9. Another issue concerns distinctions to be made in requirements for multi-channel capability for mobile (vehicular or portable), base, and control stations. Vehicular mobile stations for medical radio systems are primarily operated in ambulance vehicles, and we believe that the necessity for flexibility in the potentially wide-ranging emergency activities for most ambulances mandates full eight-channel capability. There is little dispute as to this requirement by the petitioners, although Florida advocates an exception for users in sparsely populated areas. However, Florida's argument does not adequately consider the intersystem communication requirements that can result from common or multiple-incident emergencies that occur anywhere within or without any given community. In our view, the expansion and proliferation of medical radio operations which can be anticipated in the next few years should leave few, if any, areas which would not require this coordination capability. Accordingly, insofar as these stations are concerned, the request that we modify our multi-channel capability requirement will be denied.

10. EIA has asked that we permit licensees to determine the actual number of crystals to be present in each mobile unit. We consider this to be inconsistent with the intent of the multi-channel

requirement and the rules specify that mobile units are to be both "wired and equipped" (crystalled) for all eight channels.*

11. In portable operations, EIA has suggested an exception to the multi-channel requirement for hand-held portable units that operate on the 463 MHz band frequencies. We think this request has merit and we have included a provision to this effect to cover portable units that are operated with a limitation of 2.5 watts output power.

12. We are also persuaded to modify multi-channel requirements for base and control station operations. Here, we agree with the petitioners that the flexibility requirements for these stations are not as significant as they are for mobile stations. Base stations are not moved from area to area so as to require extensive intersystem capability from community to community. The more relevant needs for these stations are that systems have the ability to handle separately the many different medical communication requirements, and that there be sufficient channels available to assure a "clear channel" for emergencies. For these purposes we find that four channels, when bio-medical telemetry is employed in the system, and three channels, when telemetry is not used, are the minimum requisite number of channels which should be available at base and control stations. The rule changes for multi-channel equipment incorporate these standards.⁴ As previously noted, these requirements may be met in a single piece of equipment or by employment of any combination of equipment suitable to the licensee's operation.

13. One additional matter noted by the petitioners relates to the August 15, 1974, effective date for meeting multi-channel requirements in new systems. EIA states that many new EMS systems have been planned and/or funded under the Commission's rules that previously covered the operation of bio-medical telemetry systems in the 460-468 MHz band. They note that a substantial amount of equipment is available for these operations. To permit these systems to be licensed, and to utilize presently available equipment that does not meet multi-channel requirements, the petitioners ask for an extension of time for filing of applications under the former rules. The Commission finds that a reasonable period of time for continued licensing under the former rules will not unduly prejudice full development of medical services radio communication systems. Accordingly, upon a showing by an applicant of a commitment made prior to August 15, 1974, to a medical system planned for operation under the

*In areas near the Canadian border we may not be able to obtain coordination for, and assign all of, the eight pairs of frequencies. In these areas, above Line A, as defined in §1.955(e) of the rules, licensees will be required to be equipped to operate only on the frequencies which can be assigned to them when these are less than the number normally required to be used.

⁴ See footnote 2, supra.

former rules, extensions may be granted to cover filing of applications until January 1, 1975 for operations that do not meet the new multi-channel equipment requirements.

ADDITIONAL MEDICAL SERVICES RULES CHANGES

14. The Commission has provided that the paired frequencies in the 463/468 MHz band will be "block-assigned" to facilitate their utilization in medical services radio communication systems. For ease and uniformity in reference to these particular frequencies, we are providing that they may be referred to by channel name rather than by frequency as MED ONE, MED TWO etc.

15. Rule § 89.525(e)(14) permits the use of the frequencies 150.775 and 150.790 MHz for transmitting from a portable (hand-held) unit to an ambulance or other emergency vehicle for automatic re-transmission (mobile-repeater) on a regular mobile frequency to a base station facility. The output power for use of this frequency is five watts. However, this type of operation is consistently limited in the Land Mobile services, including the Special Emergency Radio Service, under § 89.12(e)(1), to 2.5 watts power. We believe that the use of these frequencies should be conformed to the 2.5 watts power limitation and have modified the rules accordingly. Also, we are prohibiting use of these frequencies for airborne operations, to minimize potential interference to adjacent channels which are used for U.S. Government military operations.

16. There are a number of corrections and clarifications to the rule changes which we are including in the attached Appendix on our own motion. These include specification of a definite date (January 1, 1980), for conversion of paging systems to paging frequencies, incorporation of rules to govern control stations in mobile-relay operations in the 460-470 MHz band, addition of the F2 and F9 emissions to cover authorization of bio-medical telemetry on a secondary basis on frequencies primarily designated for voice, and other changes of a correctional or clarifying nature.

CONCLUSION

17. In consideration of the foregoing, the Petitions for Reconsideration submitted by EIA, Florida and Colorado are granted to the extent indicated herein, and are denied in all other respects.⁴

⁴ Reconsideration requests were submitted by the Emergency Medical Services Administrators Association (received October 16, 1974); the Department of Health of the State of New York (received September 26, 1974); and by the Town of Colonie, New York, Fire Protection Committee (received September 3, 1974). The statutory period for filing petitions for reconsideration in this proceeding expired on August 15, 1974. It appears, however, that these parties discussed substantially the same issues raised in the timely filed petitions so that the substance of their filing have been considered by the Commission. In addition, comments were filed by the New Jersey Hospital Association generally supporting the ESA's petition (received on August 29, 1974). Although its comments were filed late, they have been considered.

RULES AND REGULATIONS

18. Accordingly, pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, *it is ordered*, That Parts 2 and 89 of the Commission's rules are amended, effective December 6, 1974, as shown in the attached Appendix. *It is further ordered*, That this proceeding is terminated.

Adopted: October 22, 1974.

Released: October 29, 1974.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

Parts 2 and 89 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. In Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations:

§ 2.106 [Amended]

1. In § 2.106, footnote US216 is amended to read as follows:

US216—The frequencies 150.775 and 150.790 MHz and the bands 152-152.0150, 162.6500-162.6750, 460.5125-460.5625, 462.9875-463.1875, 465.5125-465.5625, and 467.9875-468.1875 MHz are authorized for Government/non-Government operations in medical radio communications systems.

B. In Part 89, Public Safety Radio Services:

1. Section 89.519(d) is revised to read as follows:

§ 89.519 Emergency repair of public communication facilities.

(d) Permissible communications. Except for test transmissions as permitted by § 89.151(e), stations authorized under the eligibility provisions of this Section may be used only, when no other means of communication is readily available, for the transmission of messages relating to the safety of life and property and messages which are necessary for the efficient restoration of the public communications facilities which have been disrupted.

2. Section 89.523(d) is revised to read as follows:

§ 89.523 Station limitations.

(d) Effective August 15, 1974, paging operations may be authorized in the Special Emergency Radio Services only on frequencies assigned under the provisions of § 89.525(f) (12). Paging operations on other frequencies, authorized prior to August 15, 1974, may be continued for the balance of the license term then effective. In addition, such operation may be renewed for one additional license term until January 1, 1980, subject to the condition that harmful interference is not caused to regularly au-

thorized operations in the Special Emergency Radio Service.

3. In § 89.525, the table in paragraph (e) is amended with respect to the frequencies 463.000-463.050 MHz and 465.525-468.175 MHz; paragraph (f) (4) is deleted and shown as reserved; (f) (2), (5), (14) and (19) are revised and (f) (22) is added to read as follows:

§ 89.525 Frequencies available to the Special Emergency Radio Service.

(e) * * *

Frequency or band (MHz)	Class of Station(s)	Limitations
463.000	Base and Mobile	1, 2, 5, 20
463.025	do	1, 2, 5, 20
463.050	do	1, 2, 5, 20
465.525	Mobile Only	1, 2, 8, 22
465.550	do	1, 2, 8, 22
468.000	do	1, 2, 5, 20, 22
468.025	do	1, 2, 5, 20, 22
468.050	do	1, 2, 5, 20, 22
468.075	do	1, 2, 5, 20, 22
468.100	do	1, 2, 5, 20, 22
468.125	do	1, 2, 5, 20, 22
468.150	do	1, 2, 5, 20, 22
468.175	do	1, 2, 5, 20, 22

(f) * * *

(2) For applications for new radio systems received after August 15, 1974, the eight frequency pairs listed below will be assigned in a block for shared operations under § 89.503(a) subject to the following:

(i) For uniformity in usage, these frequency pairs may be referred to by channel name, as follows:

Frequencies (MHz) base and mobile	Mobile only	Channel name
463.000	468.000	MED-ONE
463.025	468.025	MED-TWO
463.050	468.050	MED-THREE
463.075	468.075	MED-FOUR
463.100	468.100	MED-FIVE
463.125	468.125	MED-SIX
463.150	468.150	MED-SEVEN
463.175	468.175	MED-EIGHT

(ii) Except as provided in paragraph (f) (2) (v) and (vi) of this section mobile or portable stations must employ equipment which is both wired and equipped to transmit/receive, respectively, on each of these eight frequency pairs.

(iii) Except as provided in paragraph (f) (2) (vi) of this section, base or control stations must employ equipment which is both wired and equipped to transmit/receive, respectively, on at least four (three, if bio-medical telemetry operation is not employed in the system) of these eight frequency pairs.

(iv) Multi-channel equipment requirements for use of these frequency pairs are intended to afford capability for alternating use of the individual frequencies, and ability to conduct simultaneous operations is not required. These requirements may be met in a single equipment unit or in any combination of equipment units suitable to a licensee's operations.

(v) Portable (hand-held) units operated with a maximum output power of 2.5 watts are exempted from the multi-channel equipment requirements specified in paragraph (f) (2) (iii) of this section.

(vi) Stations located in areas above line A, as defined in § 1.955(e) of this chapter, will be required to meet multi-channel equipment requirements only for those frequencies up to the number specified in paragraph (f) (2) (ii) and (iii) of this section which have been assigned to the licensee after coordination with Canada in accordance with the applicable US-Canada agreement.

NOTE: Notwithstanding the provisions of this paragraph, upon a showing by an applicant of a commitment made prior to August 15, 1974, for establishment of a bio-medical telemetry system in the 460-468 MHz band under applicable rules in effect at that time, an extension may be granted to permit filing of applications under such former rules until January 1, 1975.

(4) [Reserved]

(5) This frequency is primarily authorized for use under § 89.503(a), for operations in bio-medical telemetry systems. F2, F3, and F9 emissions may be authorized. On a secondary basis, subject to non-interference to bio-medical telemetry systems, this frequency may be utilized for any other permissible communications consistent with § 89.503(d).

(14) This frequency may be authorized only for voice transmission from a portable (hand-held) unit, that is not airborne, to an ambulance or other emergency vehicle for automatic retransmission (mobile-repeater) on a regular mobile frequency to a base station facility. Operation on this frequency is limited to 2.5 watts output power.

(19) This frequency is primarily authorized for use under § 89.503(a) for communications between medical facilities, vehicles, and personnel related to medical supervision and instruction for treatment and transport of patients in the rendition or delivery of medical services. F2 and F3 emissions are authorized. On a secondary basis, subject to non-interference to the foregoing types of operations, this frequency may be utilized for any other permissible communications consistent with § 89.503(d), including bio-medical telemetry transmissions, and F9 emission may be additionally authorized.

(22) This frequency may be assigned to a control station associated with a mobile relay system if it is also assigned to the associated mobile station. Control stations operating on this frequency shall comply with the following requirements if they are located within 75 miles of the center of urbanized areas of 200,000 or more population.

(i) If the station is used to control one or more mobile relay stations located within 45 degrees of azimuth, a directional antenna having a front-to-back

² Chairman Wiley concurring in the result.

ratio at least 15 dB shall be used at the control station. For other situations where a directional antenna cannot be used, a cardioid, bidirectional or omnidirectional antenna may be employed. In each case, the antenna used must, consistent with reasonable design, produce a radiation pattern that provides only the coverage necessary to permit satisfactory control of each mobile relay station and limit radiation in other directions to the extent feasible.

(ii) The strength of the signal of a control station, controlling a single mobile relay station, may not exceed by more than 6 dB, at the antenna terminal of the mobile relay receiver, the signal strength produced there by a unit of the associated mobile station. When the station controls more than one mobile relay station, the 6 dB control-to-mobile signal difference need be verified at only one of the mobile relay station sites. The measurement of the signal strength of the mobile unit must be made when such unit is transmitting from the control station location or, if that is not practical, from a location within one-fourth mile of the control station site.

(iii) Each application for a control station to be authorized under the provisions of this paragraph shall be accompanied by a statement certifying that the output power of the proposed station transmitter will be adjusted to comply with the foregoing signal level limitation. Records of the measurements

used to determine the signal ratio shall be kept with the station records and shall be made available for inspection by Commission personnel upon request.

(iv) Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1, table 23, Page 50. The centers of urbanized areas are determined from the Appendix, page 226 of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

[FR Doc.74-25509 Filed 11-1-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION]

[Docket No. R-74-235]

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS EXTENSION OF EFFECTIVE DATE

Factory Inspection of Mobile Homes

On September 4, 1973, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (38 FR 23803) by the Department of Housing and Urban Development proposing a new system for third party factory inspection of mobile

homes financed with loans insured under this part.

Interested persons were given 30 days in which to submit written comments or suggestions. Comments and suggestions were received from trade associations, state agencies, mobile home manufacturers, testing laboratories, and other interested parties.

Comments germane to the proposal were favorable. Some respondents suggested clarification and improvements in the text. A final rule was published on Friday, March 29, 1974 (39 FR 1152) and an effective date of April 29, 1974 was specified. The effective date was postponed to October 29, 1974 (39 FR 17440). It has been determined that administrative requirements necessitate a further delay of three months in implementing the regulations. Therefore, the effective date of the regulations is amended as follows:

1. The October 29, 1974 effective date of the regulations is changed to read as follows:

Effective date. This amendment is effective January 29, 1975.

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246 (12 U.S.C. 1703))

Dated at Washington, D.C., October 29, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

[FR Doc.74-25811 Filed 11-1-74;9:44 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Limitations on Carryovers of Unused Credits and Capital Losses

Correction

In the document with the above headings appearing at page 36968 of the issue for Wednesday, October 18, 1974, make the following changes:

1. In the file line at the very end of the document, "FR Doc. 74-23998" should read "FR Doc. 74-23948".

2. In § 1.383 on page 36969, in the fourth line of the material quoted from section 383(2), the phrase "then the limitations provided" should be on a new line, flush with the left margin.

3. In § 1.383-3(b)(2) on page 36970 the citation in the second line reading "382(d)(1)" should read "382(b)(1)".

4. In the middle column of page 36971, the last 18 lines, of the document, beginning with "PARAGRAPH 1. Section 1.305-3(b) is", should be deleted.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 929]

HANDLING OF CRANBERRIES GROWN IN CERTAIN STATES

Proposed Expenses and Rate of Assessment

This notice invites written comments relative to the proposed expenses of \$60,842 and the assessment rate of \$0.03 per barrel of cranberries to support the activities of the Cranberry Marketing Committee during the 1974-75 fiscal period under Marketing Order No. 929. This is a regulatory program effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration is being given to the following proposals submitted by the Cranberry Marketing Committee, established under the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), as the agency to administer the terms and provisions regulating the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York:

(a) That the expenses that are reasonable and likely to be incurred by said committee, during the fiscal period September 1, 1974, through August 31, 1975, will amount to \$60,842.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 929.41, be fixed at \$0.03 per barrel or equivalent quantity of cranberries.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments, in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250, not later than November 20, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 30, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 74-25679 Filed 11-1-74; 8:45 am]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Proposed Marketing Percentages for 1974-75 Crop Year

Notice is hereby given of a proposal to establish, for the 1974-75 crop year,

free and restricted percentages and withholding factors of 100 percent, 0 percent, and 0 percent, respectively, for marketable Deglet Noor, Zahidi, Halawy, and Khadrawy dates. The crop year began October 1, 1974. The proposed percentages and withholding factors would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in Riverside County, California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The free percentages, restricted percentages, and withholding factors are pursuant to §§ 987.44 and 987.45. These percentages and factors are based on the California Date Administrative Committee's estimates for the current crop year of supply and trade demand adjusted for handler carryover and other available information. Trade demand means the aggregate quantity of whole or pitted dates which the trade will acquire from all handlers during the crop year for distribution in the continental United States, Canada, and such other countries as the Committee finds will acquire dates at prices reasonably comparable with prices received in the continental United States.

In determining the percentages for each of the four varieties, the Committee considered the following data, estimates and information for the crop year beginning October 1, 1974:

	1,000 pounds			
	Deglet Noor	Zahidi	Halawy	Khadrawy
1. Production of marketable dates (1974-75 crop).....	33,858	1,843	193	589
2. Plus: Noncertified handler carryover as of Sept. 30, 1974, of marketable dates.....	6,348	57	40	124
3. Total marketable supply.....	40,206	1,900	233	713
4. Trade demand for free whole and pitted dates (continental United States and Canada).....	15,000	1,000	100	350
5. Plus: Desirable handler carryover as of Sept. 30, 1975, to assure date supplies for early demand.....	8,400	400	75	175
6. Less: Certified handler carryover as of Sept. 30, 1974, of free dates.....	1,676	14	10	23
7. Adjusted trade demand.....	21,724	1,386	165	502

It is estimated that the amounts in excess of adjusted trade demands for these four varieties will be utilized in products and export markets. Hence, no volume regulation is proposed.

Consideration will be given to any written data, views, or arguments in connection with the aforesaid proposal which are received by the Hearing Clerk,

U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 13, 1974. All written submissions made pursuant to this notice should be in quadruplicate and will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 987.222 Free and restricted percentages and withholding factors.

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning October 1, 1974, and ending September 30, 1975, as follows: (a) Deglet Noor variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (b) Zahidi variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

Dated: October 24, 1974.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc. 74-25387 Filed 11-1-74; 8:45 am]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Food and Drug Administration

[21 CFR Part 121]

BENZOIC ACID AND SODIUM BENZOATE

Proposed Affirmation of GRAS Status as
Direct Human Food Ingredients

Correction

In FR Doc. 74-21203 appearing at page 34197 in the Monday, September 23, 1974 issue make the following change:

On page 34198 the first word of the tenth line of the seventh complete paragraph in the second column should read "bisulfite."

[21 CFR Part 121]

GUM GHATTI

Proposed Affirmation of GRAS Status With
Specific Limitations as Direct Human
Food Ingredient

Correction

In FR Doc. 74-21201 appearing at page 34205 in the Monday, September 23, 1974 issue, make the following change:

On page 34206 in the ninth line of the second complete paragraph in the first column delete the word "tet" and insert "test" so that the corrected line reads "sues of the fetuses in the test group did not".

[21 CFR Part 121]

GUM TRAGACANTH

Proposed Affirmation of GRAS Status With
Specific Limitations as Direct Human
Food Ingredient

Correction

In FR Doc. 74-21204 appearing at page 34207 of the Monday, September 23, 1974 issue, make the following change:

On page 34207 in the eighth line of the fifth complete paragraph in the second column delete "checks" and insert "chicks" so that the corrected line reads "tragacanth. After 3 weeks, the chicks receive-".

[21 CFR Part 121]

OIL OF RUE

Proposed Affirmation of GRAS Status With
Specific Limitations as Direct Human
Food Ingredients

Correction

In FR Doc. 74-21198 appearing at page 34215 in the Monday, September 23, 1974 issue make the following change:

On page 34216 in the second line after the first table in the first column insert "ment" at the end of the line so that the corrected line reads "in microfiche form. Microfiche document".

[21 CFR Part 121]

**ACRYLONITRILE COPOLYMERS INTENDED
FOR USE IN CONTACT WITH FOOD**

Notice of Proposed Rule Making

Acrylonitrile is a chemical which is polymerized in the presence of other chemicals to form copolymers which may be used as articles or components of articles intended to contact food. Acrylonitrile-butadiene and acrylonitrile-butadiene-styrene copolymers were used as components of food-packaging films prior to the passage of the Food Additive Amendment of 1958. Since that time, these and other acrylonitrile copolymers have been authorized for additional uses under the food additive regulations.

The use of acrylonitrile-butadiene copolymer and acrylonitrile-butadiene-styrene copolymer as food-packaging film was sanctioned by the Food and Drug Administration prior to the passage of the Food Additives Amendment of 1958. Reference to these sanctions appeared in the following published articles:

1. "Food Packaging", by A. J. Lehman, Chief of the Division of Pharmacology, Food and Drug Administration (retired), *Association of Food and Drug Officials of the United States*, Vol. XX, No. 4, October 1956.

2. "Chemicals in Foods: A Report to the Association of Food and Drug Officials on Current Developments" by A. J. Lehman, *Association of Food and Drug Officials of the United States*, Vol. XV, No. 3, July 1951.

The Lehman articles are the basis of the prior sanction. This approval of acrylonitrile copolymer formulations for use as films in contact with food was based on analytical data available at that time which indicated there was no migration of these resins to food under the conditions of use.

Since 1958, the following uses of acrylonitrile copolymers in food-contact articles have been approved by the issuance of food additive regulations in 21 CFR Part 121, Subparts D and F: §§ 121.1148 Ion-exchange resins; 121.2507 Cello-

phane; 121.2514 Resinous and polymeric coatings; 121.2520 Adhesives; 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods; 121.2536 Filters, resin-bonded; 121.2543 Packaging materials for use during the irradiation of prepackaged foods; 121.2562 Rubber articles intended for repeated use; 121.2569 Resinous and polymeric coatings for polyolefin films; 121.2571 Components of paper and paperboard in contact with dry food; 121.2577 Pressure-sensitive adhesives; 121.2591 Semirigid and rigid acrylic and modified acrylic plastics; 121.2597 Polymer modifiers in semi-rigid and rigid vinyl chloride plastics; 121.2599 Vinylidene chloride copolymer coatings for nylon film; 121.2600 Vinylidene chloride copolymer coatings for polycarbonate film; and 121.2614 Nitrile rubber modified acrylonitrilemethyl acrylate copolymers.

The Commissioner of Food and Drugs intends to amend each of these regulations listing acrylonitrile copolymers as permitted resins in food-contact articles by cross-referencing the limitations to be established in the interim food additive regulation proposed herein, when the final order is promulgated.

In a petition (FAP 3B2926) filed by E. I. du Pont de Nemours & Co., Wilmington, DE 19898, notice of which was published in the FEDERAL REGISTER of September 7, 1973 (38 FR 24391), a delayed extraction problem with acrylonitrile-butadiene-styrene (ABS) copolymer bottles stored at elevated temperatures for an extended period of time was reported. It was found that acrylonitrile in formulations utilizing mercaptan as chain transfer agents reacts with the mercaptan during polymerization to form a complex which reverses itself to release acrylonitrile monomer. This reversal appears to be favored by conditions of sustained elevated temperature, extended storage time, and an acidic pH. The petition data showed that soft drinks stored in ABS copolymer bottles under extreme conditions (i.e. desert temperatures for 3 years) could extract up to 0.24 part per million (ppm) acrylonitrile monomer. The available information is insufficient to determine whether substances other than mercaptans form similar reversible complexes with acrylonitrile. Additionally, the Commissioner is unaware of data indicating whether significant migrations would occur in other food systems (e.g., fatty and alcoholic foods).

Prior sanctions and food additive regulations for the use of acrylonitrile copolymers have been premised on the belief that there was no significant migration of acrylonitrile to food. For situations involving no significant migration of acrylonitrile monomer, the available toxicological studies were considered adequate. The development of improved analytical procedures for determining acrylonitrile monomer in food-simulating solvents and the recognition of delayed extraction problems caused by the formation of reversible complexes in certain acrylonitrile formulations precipitated a complete review by the Food

and Drug Administration of all safety data available on acrylonitrile.

Review of laboratory data from the primary safety reference, an unpublished 2-year rat feeding study entitled "The Pharmacology and Toxicity of Acrylonitrile and Acrylon," by P. E. Tullar, George Washington University, November 1, 1947, found the study inadequate to define accurately a no-effect level for acrylonitrile because of the use of animals of a single sex (male) and the small number of animals fed. The possibility, raised by the investigator, that acrylonitrile monomer may be a carcinogen is unsupported because of the inadequacy of this study and the lack of dose relationship. In addition, the fact the tumors were of different kinds suggests no relationship to the agent fed.

Two-year feeding studies utilizing rats and dogs were subsequently carried out by the U.S. Public Health Service at the Taft Sanitary Engineering Center, Cincinnati, OH, in the late 1950's on acrylonitrile, adiponitrile, and β,β' -oxydipropionitrile. No final report was prepared on these studies and the incomplete data are not adequate to establish a no-effect level for acrylonitrile monomer. Data from the study do have a limited usefulness in determining that there was no increased incidence of tumors in the animals administered acrylonitrile. There was some evidence, although again inconclusive, of a progressive weakening of the hind legs of pregnant rats fed acrylonitrile monomer at a level of 500 ppm in drinking water.

The World Health Organization has reviewed available toxicological data on acrylonitrile and concluded that available data are not adequate to set an acceptable daily intake of acrylonitrile for man.

Copies of the reports referenced above are on file at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Substances having a history of use in food or in food-contact surfaces may at any time have their safety brought into question by new information that in itself is not conclusive. The provisions of § 121.4000 (21 CFR 121.4000) permit the establishment of an interim food additive regulation for the use of such substances with whatever limitations are deemed appropriate and safe under the circumstances for a limited period of time while the question raised is being resolved by further study. In the case of prior-sanctioned substances, § 121.2000(b) (21 CFR 121.2000(b)) provides that based on scientific data or information showing that use of a prior-sanctioned substance may be injurious to health, and thus in violation of section 402 of the Federal Food, Drug, and Cosmetic Act, an applicable regulation will be established to impose whatever limitations or conditions are necessary for safe use of the substance or to prohibit use of the substance.

The Commissioner, having considered all available data, concludes that it is possible to provide for safe use of acrylonitrile copolymers in food-contact arti-

cles with certain restrictions for an interim period of time while the safety questions recently raised about migration of acrylonitrile monomer to food are being resolved by further study. Consequently, the Commissioner proposes to establish an interim food additive regulation in accordance with § 121.4000 and a regulation in accordance with § 121.2000 for prior-sanctioned substances.

The proposed regulations would restrict to 0.3 ppm the amount of acrylonitrile monomer that could be extracted by food-simulating solvents and would limit continued use of acrylonitrile copolymer only as long as toxicological studies, which will serve as an adequate basis for the establishment of a no-effect level, are being undertaken.

Toxicological data from the Tullar chronic feeding studies indicate a tentative no-effect level of 38 ppm in the diet of the animals tested. Considering a 100-fold safety factor, this indicates an acceptable level of migration of approximately 0.3 ppm acrylonitrile monomer to food. On this basis, a maximum migration value of 0.3 ppm acrylonitrile monomer to food is included in the proposed regulation.

The proposed regulation requires that animal feeding studies to determine the safety of low levels of acrylonitrile copolymers upon ingestion be conducted as a condition of continued use of these substances. Such data may be submitted by one or more persons. If the accumulated information received does not meet the proposed requirements, the interim food additive regulation would be withdrawn and use of acrylonitrile copolymers thereby prohibited.

In the future, regulations permitting the use of acrylonitrile copolymers as food additives or prior-sanctioned substances will be revised to specify limitations on mercaptans or other substances used in production that form reversible complexes with acrylonitrile monomer. The regulations for acrylonitrile/styrene copolymer modified with butadiene/styrene elastomer, published elsewhere in this issue of the FEDERAL REGISTER, is an example of such a regulation. For each use sought to be approved, the Commissioner proposes to require submission of data. The Commissioner proposes to permit only those formulations for which adequate testing has been submitted in accordance with the requirements of this regulation.

In order to evaluate fully the use of acrylonitrile copolymers, the Commissioner hereby requests information on the use of such substances. Such information includes data concerning the extent of usage of acrylonitrile copolymer food-contact articles and analytical studies concerning the migration of the acrylonitrile monomer therefrom, according to the type of packaging material used, time-temperature conditions of exposure, and other pertinent considerations. Such information is requested to be sent, as soon as possible, to the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives, 200 C St. SW., Washington, DC 20204.

For the foregoing reasons, the Commissioner concludes that a proposal should issue (1) to specify the terms of the prior sanction for acrylonitrile copolymers; (2) to prescribe on an interim basis conditions of safe use for all applications of acrylonitrile copolymers in food-contact articles; and (3) to require submission of chemical and toxicological data to support the continued interim use of acrylonitrile copolymers in food-contact articles.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701(a), 52 Stat. 1046-1047 as amended, 1055, 72 Stat. 1784-1788; 21 U.S.C. 321(s), 342, 348, 371(a)), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended as follows:

1. By adding the following new section to Subpart E:

§ 121.2010 Acrylonitrile-butadiene and acrylonitrile-butadiene-styrene resins.

(a) Acrylonitrile-butadiene resin is produced by the polymerization of acrylonitrile and butadiene, and acrylonitrile-butadiene-styrene resin by the polymerization of acrylonitrile, butadiene, and styrene. These resins are the subject of prior sanctions for use in films for wrapping foods. These approvals were based on analytical data available at that time which indicated that there was no migration of the resins to food under the conditions of use.

(b) Acrylonitrile monomer may present a hazard to health when ingested. Accordingly, any food-contact article containing these resins that yields acrylonitrile monomer extractives in excess of those provided for in § 121.4010(a) shall be deemed to be adulterated in violation of section 402 of the act.

2. By adding the following new section to Subpart H:

§ 121.4010 Acrylonitrile copolymers.

Acrylonitrile copolymers may be safely used on an interim basis as articles or components of articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) The finished food-contact article shall yield not more than 0.3 part per million (ppm) acrylonitrile monomer when extracted to equilibrium at 120° F with each of the following substances: distilled water, 50 percent ethanol, 3 percent acetic acid, and *n*-heptane. A method of analysis is available upon request from the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives, 200 C St. SW., Washington, DC 20204.

(b) Regulations permitting the use of acrylonitrile copolymers as additives or prior-sanctioned substances will be revised to specify limitations on mercaptans or other substances used in production that form reversible complexes with acrylonitrile monomer. Each use of acrylonitrile copolymers that utilizes mercaptans or other substances that form reversible complexes with acrylonitrile monomer which is sought to be

approved shall require testing adequate to determine the identity of the complex and the level of the complex present in the food-contact article. Such testing shall include determination of the rate of decomposition of the complex, to equilibrium acrylonitrile monomer levels, at temperatures of 100° F, 160° F, and 212° F using 3 percent acetic acid as the hydrolytic agent. A description of the analytical method used to determine the complex shall be submitted together with a description of the extraction method and validation of the analytical methods used to determine acrylonitrile monomer. Quarterly progress reports shall be submitted. Final results shall be submitted within 360 days following the effective date of this regulation to the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives, 200 C St. SW., Washington, DC 20204, unless an extension is granted by the Food and Drug Administration for good cause shown.

(c) On or before (90 days after effective date of the final order), any interested person shall satisfy the Commissioner that toxicological feeding studies adequate and appropriate to establish safe conditions for the use of acrylonitrile copolymers have been, or soon will be, undertaken. Toxicity studies of acrylonitrile monomer shall include (1) chronic (lifetime) oral administration in a mammalian species, preferably with animals exposed in-utero to the chemical, (2) studies of multigeneration reproduction with oral administration of the test material, (3) assessment of teratogenic and mutagenic potentials, (4) sub-chronic (1 year) oral administration in a non-rodent mammal, and (5) tests to determine any synergistic toxic effects between acrylonitrile and cyanide ion. Protocols of testing should be submitted to the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives (HFF-330), 200 C St. SW., Washington, DC 20204, for review.

(d) In addition to the requirements of this section, the use of acrylonitrile copolymers shall comply with all applicable requirements in other regulations in this part.

Interested persons may, on or before January 3, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 29, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-25590 Filed 11-1-74; 8:45 am]

[21 CFR Part 135]

NEW ANIMAL DRUG APPLICATIONS

Notice of Proposed Rulemaking

Section 135.4a of the new animal drug regulations (21 CFR 135.4a) provides

that folders for the binding and submission of new animal drug applications may be obtained from the Food and Drug Administration. Due to the current shortage of paper, the Food and Drug Administration no longer has such folders available for distribution, and the Commissioner of Food and Drugs proposes to amend § 135.4a to delete this provision from the regulation.

Section 135.4a also provides that the pages of new animal drug applications shall be numbered. Applications which are sometimes submitted with the pages numbered at the left are difficult to read after the applications have been bound, and the Commissioner proposes to amend § 135.4a further to provide that each page of the application shall be numbered in the upper righthand corner sequentially.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351; 21 U.S.C. 360b, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 135 be amended in Subpart A by revising paragraph (b) (15) of § 135.4a to read as follows:

§ 135.4a New animal drug applications.

(b) * * *
(15) *Assembling and binding the application.* Assemble and bind three copies of the original application as follows:

(i) Bind the original or ribbon copy of the application as copy No. 1. This should be a complete copy.

(ii) Bind two identical copies as copy No. 2 and copy No. 3.

(iii) Identify each front cover with the name of the applicant and the name of the new animal drug.

(iv) Each page of the application should be numbered in the upper righthand corner sequentially and the application organized consistent with paragraph (b) (1) through (12) of this section. Each copy should bear the same page numbering.

(v) The labeling should be distributed in the three copies of the application as follows: One set of labeling in copy No. 1, one set in copy No. 2, and one set in copy No. 3.

(vi) Submit separate applications for each different dosage form of the drug proposed. Repeating in each application basic information pertinent to all dosage forms is unnecessary if reference is made to the application containing such information. Include in each application information applicable to the specific dosage form, such as labeling, composition, stability data, and method of manufacture.

(vii) Forward amendments, supplements, reports, and other correspondence submitted after the original application in folders and in this format if they contain sufficient material. The front cover of these submissions should be identified with the name of the applicant, the name of the new animal drug, and the new animal drug application number, if known.

Interested persons may, on or before

January 3, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 25, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-25596 Filed 11-1-74; 8:45 am]

[21 CFR Part 328]

IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Proposed Establishment of Product Class Standard for Detection or Measurement of Glucose

Correction

In FR Doc. 74-23533 appearing at page 36348 in the issue of Wednesday, October 9, 1974, in the second line of item 9 in the first column of page 36349 insert "(v)" between "(3)" and "(b)".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Equal Opportunity

[24 CFR Part 115]

[Docket No. R-74-152]

CALIFORNIA

Recognition of Substantially Equivalent Fair Housing Laws

Pursuant to section 810(c) of Title VIII of the Civil Rights Act of 1968, the fair housing law of the State of California, has heretofore been recognized, on a tentative basis, as providing rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in Title VIII, and Title VIII complaints, during this period of time, have been referred for processing, to the California Fair Employment Practice Commission.

In accordance with Part 115 of 24 CFR (37 FR 16540 (August 16, 1972)), which implements section 810(c) and concerns recognition of substantially equivalent laws, notice is hereby given to the State of California, and all interested persons and organizations that the U.S. Department of Housing and Urban Development is in the process of evaluating the California fair housing law, in accordance with §§ 115.2a, 115.3 and 115.8 of Part 115. This evaluation is being undertaken in order to make a determination as to whether the Department should (1) recognize said law as substantially equivalent by amending § 115.11 or (2) deny recognition as provided in § 115.7 by amending § 115.12.

The state agency, interested persons and organizations may, on or before November 19, 1974, file written comments regarding this matter. Comments

PROPOSED RULES

should be forwarded to Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, U.S. Department of Housing and Urban Development, Attention: Mr. Kenneth F. Holbert, 451 7th Street S.W., Washington, D.C. 20410.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d))

GLORIA E. A. TOOTE,
Assistant Secretary
for Equal Opportunity.

[FR Doc.74-25610 Filed 11-1-74; 8:45 am]

[24 CFR Part 115]

[Docket No. R-74-152]

INDIANA

Recognition of Substantially Equivalent Fair Housing Laws

Pursuant to section 810(c) of Title VIII of the Civil Rights Act of 1968, the fair housing law of the State of Indiana, has heretofore been recognized, on a tentative basis, as providing rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in Title VIII, and Title VIII complaints, during this period of time, have been referred for processing, to the Indiana Civil Rights Commission.

In accordance with Part 115 of 24 CFR (37 FR 16540 (August 16, 1972)), which implements section 810(c) and concerns recognition of substantially equivalent laws, notice is hereby given to the State of Indiana, and all interested persons and organizations that the U.S. Department of Housing and Urban Development is in the process of evaluating the Indiana fair housing law in accordance with §§ 115.2a, 115.3 and 115.8 of Part 115. This evaluation is being undertaken in order to make a determination as to whether the Department should (1) recognize said law as substantially equivalent by amending § 115.11 or (2) deny recognition as provided in § 115.7 by amending § 115.12.

The state agency, interested persons and organizations may, on or before November 19, 1974, file written comments regarding this matter. Comments should be forwarded to Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, U.S. Department of Housing and Urban Development, Attention: Mr. Kenneth F. Holbert, 451 7th Street S.W., Washington, D.C. 20410.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d))

GLORIA E. A. TOOTE,
Assistant Secretary
for Equal Opportunity.

[FR Doc.74-25611 Filed 11-1-74; 8:45 am]

[24 CFR Part 115]

[Docket No. R-74-152]

OHIO

Recognition of Substantially Equivalent Fair Housing Laws

Pursuant to section 810(c) of Title VIII of the Civil Rights Act of 1968, the fair housing law of the State of Ohio, has

heretofore been recognized, on a tentative basis, as providing rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in Title VIII, and Title VIII complaints, during this period of time, have been referred for processing to the Ohio Civil Rights Commission.

In accordance with Part 115 of 24 CFR (37 FR 16540 (August 16, 1972)), which implements section 810(c) and concerns recognition of substantially equivalent laws, notice is hereby given to the State of Ohio, and all interested persons and organizations that the U.S. Department of Housing and Urban Development is in the process of evaluating the Ohio fair housing law in accordance with §§ 115.2a, 115.3 and 115.8 of Part 115. This evaluation is being undertaken in order to make a determination as to whether the Department should (1) recognize said law as substantially equivalent by amending § 115.11 or (2) deny recognition as provided in § 115.7 by amending § 115.12.

The state agency, interested persons and organizations may, on or before November 19, 1974, file written comments regarding this matter. Comments should be forwarded to Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, U.S. Department of Housing and Urban Development, Attention: Mr. Kenneth F. Holbert, 451 7th Street S.W., Washington, D.C. 20410.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d))

GLORIA E. A. TOOTE,
Assistant Secretary
for Equal Opportunity.

[FR Doc.74-25609 Filed 11-1-74; 8:45 am]

[Docket No. R-74-152]

WISCONSIN

[24 CFR Part 115]

Recognition of Substantially Equivalent Fair Housing Laws

Pursuant to section 810(c) of Title VIII of the Civil Rights Act of 1968, the fair housing law of the State of Wisconsin, has heretofore been recognized, on a tentative basis, as providing rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in Title VIII, and Title VIII complaints, during this period of time, have been referred for processing to the Wisconsin Department of Industry, Labor and Human Relations, Equal Rights Division.

In accordance with Part 115 of 24 CFR (37 FR 16540 (August 16, 1972)), which implements section 810(c) and concerns recognition of substantially equivalent laws, notice is hereby given to the State of Wisconsin, and all interested persons and organizations that the U.S. Department of Housing and Urban Development is in the process of evaluating the Wisconsin fair housing law in accordance with §§ 115.2a, 115.3 and 115.8 of Part 115. This evaluation is being undertaken in order to make a determination as to whether the Department should (1)

recognize said law as substantially equivalent by amending § 115.11 or (2) deny recognition as provided in § 115.7 by amending § 115.12.

The state agency, interested persons and organizations may, on or before November 19, 1974, file written comments regarding this matter. Comments should be forwarded to Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, U.S. Department of Housing and Urban Development, Attention: Mr. Kenneth F. Holbert, 451 7th Street S.W., Washington, D.C. 20410.

(Sec. 7(d) of the Department of HUD Act; 42 U.S.C. 3535(d))

GLORIA E. A. TOOTE,
Assistant Secretary
for Equal Opportunity.

[FR Doc.74-25612 Filed 11-1-74; 8:45 am]

DEPARTMENT OF
TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-SO-102]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation regulations that would designate the Oak Grove, N.C., temporary control zone and transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before December 4, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Oak Grove control zone would be designated as:

Within a 5-mile radius of Oak Grove HOLF (Navy), N.C. (Lat. 35°01'15" N., Long. 77°15'12" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

The Oak Grove transition area would be designated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile

radius of Oak Grove HOLF (Navy), N.C. (Lat. 35°01'15" N., Long. 77°15'12" W.), excluding the portion within New Bern, N.C., transition area. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

The proposed designations are required to provide controlled airspace protection for IFR operations at Oak Grove HOLF (Navy). Prescribed instrument approach procedures, utilizing Oak Grove TACAN and Oak Grove GCA, are proposed in conjunction with the designation of the control zone and transition area. These designations will be effective May 22 through June 9, 1975, with the specific times to be designated by the required Notice to Airmen.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on October 23, 1974.

DUANE W. FREER,
Acting Director,
Southern Region.

[FR Doc.74-25570 Filed 11-1-74;8:45 am]

Federal Highway Administration [23 CFR Part 630]

[FHWA Docket No. 74-15]

PROGRAM AND PROJECT PROCEDURES

Notice of Proposed Rulemaking

Notice is given that the following regulations are proposed on Federal Highway Administration programming procedures pursuant to 23 U.S.C. 105. It simplifies the programming process currently in FHWA Policy and Procedure Memorandum 21-1. It starts with the basic requirements set forth in 23 U.S.C. 105 and attempts to make the programming process conform to these requirements and any other requirements in Title 23 which referred to section 105.

The program will include only those projects (phases of work) where the State expects to request authorization to proceed within the next year. The actual program amount should be the amount which will be obligated in that year within a particular phase of a project (preliminary engineering, right-of-way or construction).

Authorization to proceed with the work constitutes the contractual obligation of FHWA for the payment of costs to be incurred on the project. In other words, the authorization is the point of obligation of Federal-aid funds. There will no longer be Stage I or Stage II programs. It follows that there will no longer be Stage I authorizations for preliminary engineering and right-of-way as were permitted in the past.

There is no fiscal transaction at the programming stage unless a concurrent authorization is requested. Once a program item is approved and work author-

ized, no further program action for that phase of work is needed.

The objective of the Federal-aid programming process is to select high priority projects for utilization of available funds which are so related that their accomplishment will contribute to achieving transportation planning goals. Review of State program proposals by FHWA will be aimed at an analysis of the total program content to:

- (1) Assure maximum impact of the program on transportation goals, and,
- (2) Determine basic eligibility of individual project for Federal-aid funding in the immediate future.

Notwithstanding exemptions in 5 U.S.C. 553(a) (2) interested persons are invited to submit comments on this proposed regulation. All comments should refer to Docket 74-15 and should be submitted in three copies to the Federal-Aid Division of the Office of Engineering (HNG-10) of the Federal Highway Administration, Washington, D.C. 20590. Comments received before the close of business on November 30, 1974, will be considered.

It is proposed to amend 23 CFR Part 630 by adding Subpart A, reading as follows:

Subpart A—Program and Project Procedures

Sec.	
630.101	Purpose.
630.102	Definitions.
630.103	Policy.
630.104	Program submissions.
630.105	General requirements and supporting data.
630.106	Approval of programs.
630.107	Authorization to proceed.

AUTHORITY: 23 U.S.C. 105, 106, 134 and 315.

Subpart A—Program and Project Procedures

§ 630.101 Purpose.

The purpose of this regulation is to prescribe policies and procedures for preparation and submission of programs for utilization of all classes of funds provided under the provisions of Title 23, United States Code.

§ 630.102 Definitions.

(a) The term "Federal-aid Program" means a listing of projects proposed by a State for utilization of apportioned and allocated Federal funds and approved by the Federal Highway Administration (FHWA).

(b) Except as provided otherwise, other terms are as defined in 23 U.S.C. 101(a).

§ 630.103 Policy.

(a) Development of a transportation facility involves a continuing sequence of events spanning several years. It is necessary that transportation programs be prepared to reflect the continuous nature of the project development process starting with determination of a transportation need and followed by location, design, acquisition of right-of-way and construction of individual physical improvements.

(b) The State highway department of any State desiring to avail itself of

Federal-aid funds authorized in highway legislation shall submit to the FHWA a detailed program or programs of proposed projects for the utilization of funds apportioned or allocated to it. Each State shall submit its statewide Federal-aid program to the FHWA as soon as practicable after the Federal fund apportionments have been made for any fiscal year.

(c) Projects included in the Federal-aid program shall be based on an appropriate planning effort which supports the determination of need, the type of improvement selected and the priority of each project.

(d) In developing the Federal-aid program each State shall take into account those projects which support national goals and objectives as set forth in Title 23, U.S.C., including but not limited to:

(1) Projects recommended as important to the national defense by the Secretary of Defense or other official authorized by the President to make such recommendation.

(2) Projects which incorporate improved standards and features with safety benefits, and benefits for the safe and convenient movement of physically handicapped persons.

(3) Projects providing direct and convenient public access to public airports and public ports for water transportation.

(4) Projects which will expedite the completion of the Federal-aid primary system and provide an adequate and connected system of highways interstate in character.

(5) Projects which provide optimum utilization of existing highway transportation systems and require little or no additional right-of-way or expenditure of capital resources such as:

(i) Traffic operations and public transportation improvement projects designed to reduce traffic congestion and to facilitate the flow of traffic and movement of people in urban areas.

(ii) Highway safety improvement projects designed to reduce the number or severity of accidents.

(e) An item on a Federal-aid program may provide for phases of work such as preliminary engineering (PE), right-of-way (ROW), or construction individually or in any combination.

§ 630.104 Program submissions.

(a) Each State desiring to avail itself of the benefits of Title 23, U.S.C. shall prepare and submit annually a program for utilization of each class of apportioned Federal funds. Approved program may be supplemented or revised.

(b) The program shall include only those projects or phases thereof where the State expects to request authorization to proceed with work during the program period.

(c) A program submission must identify each separate class of funds and be submitted in a form and at times mutually agreeable to the FHWA division engineer and the State.

§ 630.105 General requirements and supporting data.

(a) Except as noted below, only those projects which are located on a Federal-

PROPOSED RULES

all system shall be considered for inclusion in the State's Federal-aid program. Projects for determining the acceptable location of Federal-aid routes are exceptions to this requirement, as are projects which are legislatively mandated for off-system roads such as under 23 U.S.C. 151 and 405 or for public mass transit as in 23 U.S.C. 142.

(b) Except where all public roads and highways are under the control and supervision of the State highway department, projects on the secondary system shall be selected by the State highway department and the appropriate local officials in cooperation with each other.

(c) Projects in urban areas of more than 50,000 population shall be based on a planning process as set forth in 23 U.S.C. 134.

(d) Projects on the urban system shall be selected by appropriate local officials with the concurrence of the State highway department. Projects developed in accordance with the planning process required under 23 U.S.C. 134, and included in the Transportation Improvement Program meet the requirement for this selection.

(e) Projects to be administered under Certification Acceptance must indicate any proposed exceptions to approved standards or procedures.

(f) Special categories of work such as correction of hazards, traffic control devices, billboard removal, or other such minor items, may be combined as a single project in the program without the detail of supporting data, outlined above for each location.

(g) Programs involving special fund authorizations shall be supporting and programmed as required by implementing directives issued to cover such funds and shall be generally consistent with this section unless specifically provided for otherwise.

§ 630.106 Approval of programs.

(a) The FHWA shall notify the State of its action on the program submission indicating approval in whole or in part with any qualifications or conditions it may consider necessary.

(b) Program approval indicates FHWA agreement with the State's selection of program items for utilizing apportioned funds. It is an initial determination of eligibility of program items (projects) for Federal funding.

(c) Program approval is not a commitment of funds nor does it establish an eligibility date.

§ 630.107 Authorization to proceed.

(a) Authorization to proceed with the work on any phase of a project including those under Certification Acceptance shall be in response to a request from the State and may be concurrent with program approval. The initial authorization to proceed must be based on an approved current year annual program item for the particular phase of the work.

(b) Authorization to proceed with work is deemed to be the contractual obligation of the Federal Government

under 23 U.S.C. 106 and will require that appropriate funds are available for full Federal participation in the cost of the work.

Issued on October 24, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc. 74-25642 Filed 11-1-74; 8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 582]

[Docket No. 74-40; Notice 1]

INSURANCE COST INFORMATION REGULATIONS

Notice of Proposed Rulemaking

The purpose of this notice is to propose insurance cost information regulations pursuant to the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.).

Section 201(e) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1941(e)) provides that:

The Secretary, not later than February 1, 1975, shall by rule establish procedures requiring automobile dealers to distribute to prospective purchasers information developed by the Secretary and provided to the dealers which compares differences in insurance costs for different makes and models of passenger motor vehicles based upon differences in damage susceptibility and crashworthiness.

Accordingly, NHTSA hereby proposes a regulation requiring automobile dealers to distribute to prospective purchasers information which compares differences in the cost of collision coverage (reflecting damage susceptibility) and medical payment coverage (reflecting crashworthiness) for different makes and models of passenger motor vehicles. The distribution procedure is patterned generally after that established for consumer information dissemination under section 112(d) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401(d)) and found in 49 CFR 575. The regulation would require that every dealer in new or used automobiles make the insurance cost information developed by the NHTSA under section 201(e) available for inspection and retention by prospective purchasers.

Information gathered from the insurance industry under section 205(e) of the Cost Savings Act has led NHTSA to conclude that current insurance premium rates do not reflect differences in damage susceptibility and crashworthiness to a significant degree. Of much greater significance to the current rate structure are the characteristics of the drivers and the geographic area of vehicle use. Despite the beginnings of vehicle-related rates in the case of one or two models, a general reflection of vehicle characteristics is not expected until damage susceptibility and crashworthiness studies being conducted by NHTSA under section 201(a) of the Cost Savings Act (15 U.S.C. 1941) are completed and the results of such studies disseminated to the insurance industry.

In the absence of insurance cost information that reflects damageability and crashworthiness, the distribution of other cost information at this time would not carry out the purposes of the Cost Savings Act. NHTSA does not anticipate the development of distributable information before late 1975. In the meantime the agency has research efforts underway that will assist it in devising a readily understandable format for insurance cost dissemination. Comments are invited as to the best means of presenting comparative costs.

At such time as the insurance costs do reflect differences in damage susceptibility and crashworthiness, that information would be made available to the automobile dealers for dissemination as outlined in the proposed regulation. The format for the information will be incorporated as § 582.5 of the regulation. The information so provided will be revised periodically to reflect changing insurance costs.

Written comments on the issues set forth in this notice should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. To speed the distribution of comments, 10 copies are requested, but are not required. Comments should identify the individual docket number and notice number. Comments should be submitted to the National Highway Traffic Safety Administration, Attention: Docket Section, Rm. 5108, U.S. Department of Transportation, Washington, D.C. 20590.

All comments received before the close of business December 16, 1974, will be considered by the Administration before issuing a final regulation. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at anytime after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material in the docket after the closing date, and recommends that interested persons continue to examine the docket for new material. The comments will be considered together with other sources of information available to NHTSA in the issuance of the final regulation.

Proposed effective date: Although the final rule will be issued by February 1, 1975, as specified in the Cost Savings Act, the dates at which insurance cost information developed by NHTSA will be required to be distributed by automobile dealers are uncertain at this time and will be published at a later date in the FEDERAL REGISTER.

(Sec. 201(e), P.L. 92-513, 86 Stat. 947; 15 U.S.C. 1941(e); delegations at 49 CFR 1.51 and 501.8(c))

Issued on October 29, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

PART 582—INSURANCE COST INFORMATION REGULATIONS

§ 582.1 Scope.

The regulations contained in this part require automobile dealers to make insurance cost information available to prospective purchasers, pursuant to section 201(e) of the Motor Vehicle Information and Cost Savings (15 U.S.C. 1941 (e)), herein "the Cost Savings Act."

§ 582.2 Purpose.

The purpose of this part is to enable prospective purchasers to compare differences in auto insurance costs for the various makes and models of passenger motor vehicles, and to realize any savings in property damage insurance resulting from differences in damageability, and any savings in medical payment insurance resulting from differences in crashworthiness.

§ 582.3 Definitions.

(a) *Statutory definitions.* All terms used in this part which are defined in section 2 of the Cost Savings Act are used as so defined.

(b) *Definitions used in this part.* (1) "Automobile dealer" means any person who engages in the retail sale of new or used automobiles as a trade or business.

(2) "Collision insurance" means insurance that reimburses the insured party for physical damage to his property resulting from automobile crashes.

(3) "Insurance cost" means the insurance premium rate for collision and medical payment insurance.

(4) "Medical payment insurance" means insurance that reimburses the insured party for injuries sustained by himself, his family, and his passengers in automobile crashes.

§ 582.4 Requirements.

(a) Each automobile dealer shall provide the insurance cost information specified in § 582.5 for examination by prospective purchasers at each location where he offers vehicles for sale.

(b) The information shall be provided without charge and in sufficient quantity to have it available for retention by prospective purchasers, within 30 days after its publication in the FEDERAL REGISTER.

(c) The information shall be in English and, if a significant portion of the prospective purchasers do not speak English, in the non-English language most widely spoken by prospective purchasers.

§ 582.5 Insurance cost information form.

The insurance cost information provided pursuant to § 582.4 shall be presented as follows: [Form to be specified.]

[FR Doc.74-25600 Filed 11-1-74; 8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 74-1114]

FEDERAL SAVINGS AND LOAN SYSTEM

Mobile Facilities

OCTOBER 24, 1974.

The Federal Home Loan Bank Board considers it desirable to propose an amendment to § 545.14-4(c)(2) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.14-4(c)(2)) for the purpose of allowing for Board exceptions to the current requirement that a mobile facility be at least ten miles from the locations of any home or branch office or agency of any institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation.

Accordingly, the Board hereby proposes to amend said § 545.14-4 by revising paragraph (c)(2) to read as set forth below. Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW, Washington, D.C. 20552, by

December 6, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.14-4 Mobile facility.

(c) *Action by the Board.* Each application by a Federal association which is an eligible association under the provisions of paragraph (b) of this section will be considered or processed pursuant to the provisions of this section. The Board's approval of any such application will be subject to the following provisions and any other conditions, requirements, and limitations the Board may specify in a particular case:

(2) The mobile facility shall be established and operated at two or more locations, each of which, at the time of filing of the application for permission to establish and operate the mobile facility, shall be more than 10 miles from the locations of any home or branch office or agency of any other institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, unless the applicant establishes to the satisfaction of the Board that a shorter distance is justified;

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.74-25607 Filed 11-1-74; 8:45 am]

#

PROPOSED AGENDA

20 NOVEMBER 1974

- 1330-1345—Opening remarks and introduction by the Chairman, Dr. Owen.
 1345-1350—Remarks ASA(M&RA), Mr. Lowe.
 1350-1420—ROTC Accessions Study Briefing, GEN Stevenson.
 1420-1445—OPMS Briefing, COL Louissell.
 1445-1500—Break.
 1500-1530—Curriculum/POI Briefing, Dr. Trebias, TRADOC.
 1530-1600—Curriculum Research, Dr. Duffy, ARL.
 1600-1700—Discussion (Curriculum), Dr. Owen.

21 NOVEMBER 1974

- 0830-0900—Update on Status of Volunteer Army, COL Tharp.
 0900-0930—Status of ROTC Enrollments and Institutions on Probation/Proposed Legislation, LTC Radu.
 0930-1230—Discussion, Dr. Owen.

PROPOSED DISCUSSION TOPICS

1. Senior ROTC Curriculum.
2. Assistance to Military Colleges.
3. Designation of fields of study for ROTC scholarship students.
4. Withdrawal of administrative and financial support from ROTC by host institutions.
5. Improving ROTC retention.
6. Human Relations Instruction in ROTC Curriculum.
7. State Support for ROTC Programs.

This meeting is open to the public.

CLINTON A. FIELDS,
 Major, GS, Executive Secretary,
 Army Advisory Panel on
 ROTC Affairs.

[FR Doc.74-25480 Filed 11-1-74;8:45 am]

DEPARTMENT OF JUSTICE

KEMPER COUNTY, MISS.

Certification Regarding Appointment of Election Examiners

In accordance with section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d (Supp. V), I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States in Kemper County, Mississippi. This county is included within the scope of the determination of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 FR 9897).

ROBERT H. BORK,
 Acting Attorney General
 of the United States.

OCTOBER 31, 1974.

[FR Doc.74-25839 Filed 11-1-74;9:49 am]

TALLADEGA COUNTY, ALABAMA

Certification Regarding Appointment of Election Examiners

In accordance with Section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d (Supp. V), I hereby cer-

tify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States in Talladega County, Alabama. This county is included within the scope of the determination of the Attorney General and the Director of the Census made on August 6, 1975, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 FR 9897).

ROBERT H. BORK,
 Acting Attorney General
 of the United States.

OCTOBER 31, 1974.

[FR Doc.74-25840 Filed 11-1-74;9:49 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

HOWARD W. CAMPBELL

Issuance of Permit for Marine Mammals

On August 26, 1974, a notice was published in the FEDERAL REGISTER (39 FR 30848-30849) that an application had been filed with the Fish and Wildlife Service by Howard W. Campbell, National Fish and Wildlife Laboratory, U.S. Fish and Wildlife Service, Gainesville, Florida, for a permit to take dead manatees for scientific purposes.

Notice is hereby given that on October 22, 1974, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit to Howard W. Campbell, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 600, 1612 K Street, NW, Washington, D.C. 20240.

Dated: October 25, 1974.

MARSHALL L. STINNETT,
 Acting Chief, Division of Law
 Enforcement, U.S. Fish and
 Wildlife Service.

[FR Doc.74-25617 Filed 11-1-74;8:45 am]

DR. FRANCIS H. FAY

Notice of Receipt of Application for Marine Mammal Permit

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

APPLICANT

Dr. Francis H. Fay
 Associate Professor of Marine Science
 Institute of Marine Science
 University of Alaska
 Fairbanks, Alaska 99701

SEPTEMBER 23, 1974.

Mr. C. R. BAVIN,
 Chief, Division of Law Enforcement,
 Bureau of Sport Fisheries and Wildlife,
 U.S. Fish and Wildlife Service,
 Washington, D.C. 20240

DEAR MR. BAVIN: I enclose herewith an application and supporting documents for a Marine Mammals Scientific Research Permit, under provision of the Marine Mammals Pro-

tection Act of 1972 and based on the protocol indicated in the FEDERAL REGISTER, Vol. 39, No. 3 of Friday, January 4, 1974, and Vol. 39, No. 38 of Monday, February 25, 1974. I trust that I have included all of the information needed for processing. However, if further details are needed, I shall be happy to supply them.

Sincerely yours,

FRANCIS H. FAY,
 Associate Professor

of Marine Science.

APPLICATION FOR SCIENTIFIC RESEARCH PERMIT

UNDER PROVISION OF THE MARINE MAMMAL PROTECTION ACT OF 1972

(Protocol from FEDERAL REGISTER 39(3): No. 13.12 and 39(38): No. 18.31)

No. 13.12 (1) Applicant: Dr. Francis H. Fay, Associate Professor of Marine Science, Institute of Marine Science, University of Alaska, Fairbanks, Ak 99701. (907) 479-7027.

(2) Personal data: Date of Birth: 18 Nov 1927, Height: 6 ft. Weight: 165 lb. Color of Hair: Gray-brown, Color of Eyes: Brown, Sex: Male.

(3) (Does not apply).

(4) Location where permit activity is to be conducted: Coast and territorial waters of Alaska and international waters of the North Pacific and Arctic Oceans, including the Bering, Chukchi, and Beaufort Seas.

(5) Permit requested under: Subpart D—Special Exceptions, No. 18.31 *Scientific Research Permit*, information on which is as follows:

No. 18.31 (1) Purpose, date, location, and manner of taking: This application is for permission to take walrus, to purchase parts of walrus taken by Eskimos for subsistence, and to salvage parts from walrus found dead, during calendar year 1975, with options requested for renewal by letter in succeeding years and for delegation of authority to co-workers affiliated with the projects outlined.

The purpose of these collections will be primarily to obtain new information on (a) the reproductive cycle, (b) the causes and rates of natural morbidity and mortality, and (c) the feeding habits of the Pacific walrus. Secondly, they will provide further information on growth, productivity, and physical condition, as well as a wide variety of tissue samples for use in physiological, biochemical, cytological, and anatomical studies by co-workers at the University of Alaska and colleagues at other institutions.

The dates and locations of these collections, insofar as they can be predicted (see attached documents), will be as follows: (a) some animals will be taken and some dead animals may be salvaged during a proposed 6-week icebreaker cruise in February to April, 1975, in the Bering Sea, and (b) stomachs and their contents will be purchased from Eskimos at Gambell and Savoonga on St. Lawrence Island, and at King and Little Diomed Islands during April to June, 1975. The taking, especially of moribund animals, the purchase, especially of reproductive organs and stomach contents, and the salvage of parts from animals found dead may take place at other times and in other places, as the opportunity and the need arise, and cannot be anticipated at this time.

The manner of taking will depend on the circumstances of accessibility and the tissue sampling requirements. Insofar as possible, the animals will be killed by means of an overdose of immobilizing drugs or, if necessary, they will be shot with a high-powered rifle.

(2) Description of animals and products to be taken:

Name: Pacific Walrus, *Odobenus rosmarus divergens*.

Population Stock: That inhabiting the Bering and Chukchi Seas and ranging eastward into the Beaufort Sea and Westward into the East Siberian Sea, rarely straggling to the Gulf of Alaska and to Kamchatka. Recent estimates by the U.S. and Soviet governments and by the State of Alaska place its numbers at more than 100,000 animals.

Number of Specimens or products: In any calendar year, probably no more than 15 animals will be taken, 300 parts purchased, and 50 carcasses salvaged.

Anticipated Age, Sex, Size, and Condition: Not more than 10 of the animals taken in each year will be sexually mature females, and these will be taken at a time (February-March) and under circumstances (mating aggregations) when they can be expected to be in estrus. The remaining animals taken will be of any age and either sex, and will be selected on the basis that they are either moribund or show signs of some major pathological condition. Insofar as possible, all taking will be limited to animals that are neither pregnant nor nursing.

The majority of parts purchased will be stomachs and their contents from weaned (2 yrs.) and older animals of either sex, taken in the normal course of subsistence hunting by Eskimos. Additional parts, to include only reproductive organs, pathological specimens, and one cheek tooth for age determination from each animal, will also be purchased.

Carcasses of animals found dead may be of any age and either sex.

(3) (Does not apply).

(4) Description of research program: The goals of the University of Alaska's Marine Mammal Program are: (a) to contribute to understanding of the role of marine mammals in the ecosystem of northern seas through basic research, (b) to contribute to the solution of current problems arising from human interaction with the marine environment through consultation and applied research, and (c) to provide for professional training in marine mammalogy, and wide dissemination of public information on marine mammal affairs in Alaska. In each of its phases, this program is closely coordinated with the research, management, and information programs of Federal and State agencies, the intent being to cooperate with and complement the latter.

The collections for which permission is requested here will provide raw materials needed for successful completion of two current projects under this program, which are:

Ethology and productivity of the Pacific Walrus (Sea Grant/University of Alaska). Duration—3 years (1972-75). PI—F. H. Fay.

Objectives: (1) to describe the individual and social behavior of the Pacific walrus, with emphasis on breeding behavior, cow-calf relations, activity budgets and rhythms, and responses to weather, (2) to estimate the age and sex composition of the population and the distribution of its major segments in time and space, and (3) to determine the extent of the mating season and the modal time of ovulation. In conjunction, (4) further information on age-specific rates of success in pregnancy and rearing of young and on the causes and rates of natural morbidity and mortality will be acquired.

A principal field activity on this project in 1975 will be a 6-week icebreaker cruise in the Bering Sea, beginning in February. This presents an unparalleled opportunity to take selectively several specimens needed for fulfillment of the third objective and for contribution to the final one. Such material cannot be obtained by any other means at this time, since the subsistence hunters do not have access to animals in estrus (as shown by all previous efforts to obtain them from that source since 1956) and selectively avoid taking moribund or "sick" animals.

The basic importance of the reproductive information to be obtained from these specimens lies in the fact that we do not yet know when the mating season occurs, and that, if provisions are to be made for protection of the breeding animals from harassment during that critical period, we must first determine its limits. From the PI's previous work on the reproductive cycle of the males, the peak of fertility seems to be in February-March (rather than in May and June, as formerly supposed), and while the reproductive condition of the three females taken in that period tend to support that finding, a much larger series of females will be needed eventually, in order to confirm it fully. Similarly, the causes and rates of natural morbidity and mortality are virtually unknown and can only be determined through selective taking of sick and dying animals and salvage of those found dead. Acquisition of materials and data from such animals is a long-term undertaking, since we shall probably have access to only a few specimens in any given year.

The role of the Pacific Walrus in the trophic system of the Bering Sea (Marine Mammal Commission/Institute of Marine Science, University of Alaska). Duration—2 years (1974-76). PI—F. H. Fay.

Objectives: (1) to identify the prey species utilized by the Pacific walrus along the Alaskan Bering Sea coast and to assess the relative importance of each in the diet, (2) to compare these findings with the standing crop and trophic structure of the benthos in the same localities, in order to evaluate the extent to which the walrus is selective of the foods available and to identify the major pathways of nutrient and energy flow through this segment of the food chain, and (3) to relate these findings to the general distribution, standing stocks, and productivity of walruses and benthos over the entire Bering Sea shelf, in an effort to develop a better estimate of the dependence and impact of the walrus on the invertebrate fauna of the region.

The best, most efficient way in which to obtain a large volume of information on the feeding habits of the Pacific walrus is to obtain stomachs from those taken during the annual spring harvest by subsistence hunters in the St. Lawrence Island-Bering Strait area. About 60 percent of the 1600 animals taken each year is harvested there at that time. From previous experience, we know that one-fourth to one-third of those animals have food in the stomach when killed, and we propose to purchase those stomachs that contain food. Most of our present knowledge of the walrus' feeding habits is based on the examination of a few such stomachs in the past, but that information is very incomplete and fragmentary and wholly inadequate to meet present requirements. Knowledge of the marine food web, of which the walrus is a major part in the Bering Sea, is certainly pertinent to the objectives set forth by the Marine Mammal Protection Act, and it is to that end that this study is directed.

Copies of the proposals for these two projects are attached.

(5) (Does not apply).

(6) (Does not apply).

No. 13.12 (6) (Does not apply).

(7) Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

(8) Desired effective date of permit: 1 February 1975.

(9) Date: 23 September 1974.

(10) Signature of applicant:

FRANCIS H. FAY.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 4, 1974, will be considered.

Dated: October 25, 1974.

MARSHALL L. STINNETT,
Acting Chief, Division of Law
Enforcement, U.S. Fish and
Wildlife Service.

[FR Doc.74-25618 Filed 11-1-74; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Louisiana Inspection Point

Notice is hereby given pursuant to § 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that on September 17, 1974, there was published in the FEDERAL REGISTER (39 FR 33382) a notice announcing a request by the Louisiana Department of Agriculture that its assignment of inspection points be amended to add Alexandria, Louisiana, as a designated inspection point. Interested persons were given until October 17, 1974, to submit written views and comments with respect to the proposed amendment of assignment.

No comments were received with respect to the September 17 notice in the FEDERAL REGISTER. After due consideration of market needs and circumstances and other material available to the Department, the assignment of the Louisiana Department of Agriculture is amended to add Alexandria, Louisiana, as a designated inspection point.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464 and 28476.)

Effective date. This notice shall become effective November 4, 1974.

Done in Washington, D.C. on: October 29, 1974.

E. L. PETERSON,
Administrator,

Agricultural Marketing Service.

[FR Doc.74-25607 Filed 11-1-74; 8:45 am]

Soil Conservation Service

LOWER RED ROCK CREEK WATERSHED

Notice of Negative Declaration Regarding Environmental Statement

Pursuant to section 192(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation

Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the remaining planned elements of work in the Lower Red Rock Creek Watershed project, Noble and Pawnee Counties, Oklahoma.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the action. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project concerns a plan for watershed protection and flood prevention. This negative declaration covers the remaining 23 single-purpose floodwater retaining structures and land treatment measures.

The environment assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
USDA Building
Farm Road and Brumley Street
Stillwater, Oklahoma

No administrative action on implementation of the proposal will be taken until November 19, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: October 24, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water
Resources, Soil Conservation
Service.

[FR Doc.74-25578 Filed 11-1-74; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business
Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Meeting

The Computer Systems Technical Advisory Committee of the U.S. Department of Commerce will meet Tuesday, December 10, 1974, at 9:30 a.m., in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Report on the Licensing Procedures Subgroup meeting of December 5, 1974.
4. Report on the work programs.
5. Executive Session: a. Continuation of discussion of report on the work programs.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. II, 1972)) and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974, a Notice of Determination approved by the Assistant Secretary of Commerce for Administration and the delegate of the General Counsel of the Department of Commerce, on May 16, 1974 and May 17, 1974, respectively, to close a portion of the meeting to the public, was included in the published (39 FR 35403) Notice of Meeting of the Licensing Procedures Subgroup of the Computer Systems Technical Advisory Committee.

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202/967-4196).

Dated: October 30, 1974.

RAUER H. MEYER,
Director, Office of Export Ad-
ministration, Bureau of East-
West Trade.

[FR Doc.74-25665 Filed 11-1-74; 8:45 am]

SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Meeting

The Semiconductor Technical Advisory Committee of the U.S. Department of Commerce will meet on Wednesday, December 18, 1974 at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor products, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Review of prior work.
4. Discussion of integrated circuits.

5. Executive Session: a. Continuation of review of prior work. b. Continuation of discussion of integrated circuits.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. II, 1972)) and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974, a Notice of Determination approved by the Assistant Secretary of Commerce for Administration and the delegate of the General Counsel of the Department of Commerce, on May 10, 1974 and May 17, 1974, respectively, to close a portion of the meeting to the public, was included in the published (39 FR 35827) Notice of Meeting of the Semiconductor Technical Advisory Committee.

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202/967-4196).

Dated: October 30, 1974.

RAUER H. MEYER,
Director, Office of Export Ad-
ministration, Bureau of East-
West Trade.

[FR Doc.74-25666 Filed 11-1-74; 8:45 am]

LOWELL TECHNOLOGICAL INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00010-33-46040.
Applicant: Lowell Technological Institute, 1 Textile Avenue, Lowell, Massachusetts 01854. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for training undergraduate and graduate students primarily in the biological sciences in the use of the electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (October 25, 1973).

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy for undergraduates in biological sciences. The foreign article is a relatively simple, medium resolution electron microscope (7 Angstroms resolution point to point and 60 KV accelerating voltage) designed for confident use [through ease of operation] by beginning students with a minimum of detailed programming. Domestic instruments available at the time the article was ordered were the Model EMU-4C available from the Adam David Company and the Model ETEM-101, a relatively simple low resolution instrument, manufactured by Elektros Incorporated. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated September 26, 1974 that the resolution, simplicity and ease of operation of the article are pertinent to the applicant's educational purposes which involve sectioning, negative staining and the preparation of quality micrographs by the students. HEW also advised that (1) the Model EMU-4C is too complex for the intended educational purposes and (2) the Model ETEM-101 has lower resolution [10 Angstroms point-to-point] than the article and 40 kilovolts maximum accelerating voltage that limits a student ability to obtain good or useable micrographs from imperfect specimens. We, therefore, find that neither the Model EMU-4C nor the Model ETEM-101 is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import
Programs Division.

[FR Doc.74-25640 Filed 11-1-74; 8:45 am]

PRESBYTERIAN-UNIVERSITY OF PENNSYLVANIA MEDICAL CENTER, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their

views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before November 25, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00132-33-46500.
Applicant: Presbyterian-University of Pennsylvania Medical Center, Scheie Eye Institute, 51 North 39th Street, Philadelphia, Pa. 19104. **Article:** Ultramicrotome, Model LKB 8800A. **Manufacturer:** LKB Produkter AB, Sweden. **Intended use or article:** The article is intended to be used in investigations to reveal at the ultrastructural level the structural bases of transport of viral macromolecules to cell membranes. **Application received by Commissioner of Customs:** September 24, 1974.

Docket number: 75-00133-33-90000.
Applicant: Swedish Medical Center, 501 East Hampden Avenue, Englewood, Colorado 80110. **Article:** EMI Scanner with High Resolution Option and Magnetic Tape System. **Manufacturer:** EMI Limited, United Kingdom. **Intended use of article:** The article is intended to be used in studies of patients with neurological disorders. Patient phantom models (simulated cranium brain contents with known characteristics) will also be studied to determine the article's accuracy for localization of diagnostic changes that would be seen with calcium, tumor, cysts, liquid, fat, blood (liquid or clotted) in brain and skull disorders. Other research includes: (1) the study of the brain injured patients and other clinical population in the usual scanning method after injection of a radioisotope into the circulating blood and/or spinal fluid, and (2) the investigation of methods of patient immobilization during study with the article. Planned educational programs will involve (1) presentation of data developed from the brain injury unit, (2) dissemination of information of the value of EMI study and value of the diagnostic material obtained, and (3) training of technology personnel. **Application received by Commissioner of Customs:** September 24, 1974.

Docket number: 75-00134-01-74600.
Applicant: University of Montana, Chemistry Department, Missoula, Montana 59801. **Article:** Malvern K7023 High Speed Correlator and RR102 Spectrometer. **Manufacturer:** Precision Devices & Systems Ltd., United Kingdom. **Intended use of article:** The article is intended to

be used for studies of ribosomal subunits, proteins and ribonucleoprotein fragments. Light scattering from solutions containing these macromolecules will be studied to determine the translational diffusion coefficients of each. **Application received by Commissioner of Customs:** September 24, 1974.

Docket number: 75-00135-33-46040.
Applicant: University of California—Los Angeles, Department of Neurology, Los Angeles, California 90024. **Article:** Electron Microscope, Model Elmiskop 101. **Manufacturer:** Siemens AG, West Germany. **Intended use of article:** The article is intended to be used to examine human and animal brain tissue at very high resolution in investigations of certain human diseases (e.g. Parkinson's disease, Huntington's Chorea, and dystonia musculorum deformans). **Application received by Commissioner of Customs:** September 24, 1974.

Docket number: 75-00136-33-46040.
Applicant: Veterans Administration Hospital, 42nd Avenue and Clement Street, San Francisco, California 94121. **Article:** Electron Microscope, Model EM 201C. **Manufacturer:** Philips Electronic Instruments NVD, The Netherlands. **Intended use of article:** The article is intended to be used for the following investigations:

(1) Hepatic lipid metabolism: effects of lipid-lowering drugs.

(2) Structure and growth requirements of human breast dysplasias and tumors.

(3) Hormonal control of hepatocyte membrane development and maintenance. The article will also be used to train students from the graduate, dental and medical schools of the University of California Medical Center—as well as technicians, staff, research fellows and other personnel at the VA Hospital. **Application received by Commissioner of Customs:** September 26, 1974.

Docket number: 75-00137-33-90000.
Applicant: St. Vincent Medical Center, 2131 West Third Street, Los Angeles, California 90057. **Article:** EMI Scanner and Magnetic Tape System. **Manufacturer:** EMI Limited, United Kingdom. **Intended use of article:** The article is intended to be used for studies of patients with posterior fossa brain tumors especially cerebello-pontine angle tumors. The studies will be clinically oriented so that the information gathered would be of potential benefit to the patients themselves as well as to future patients. The areas of study will include, among others, surgical planning in relation to tumor size, surgical planning in relation to ventricular size and ventricular size in post-operative course with respect to complications. **Application received by Commissioner of Customs:** September 26, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import
Programs Division.

[FR Doc.74-25641 Filed 11-1-74; 8:45 am]

YALE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00021-33-46040. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, Conn. 06520. Article: Electron Microscope, Model EM 10 with Goniometer Stage, Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to examine the ultrastructural characteristics of a variety of transporting epithelia. The tissues which will be studied will include kidney tubules from rats, and tubules and urinary bladders of several species of amphibians and several species of fish. The structural characteristics of various transporting epithelia will be studied in a variety of normal and pathologic states and it is intended to correlate the ultrastructure with function at the cellular level and to approach renal physiology and pathology from an integrated standpoint. Of particular interest from the ultrastructural standpoint are the characteristics of the cell membranes, the junctional complexes between cells, the basal labyrinthine spaces and the structure of intracellular organelles. The article will also be used in the postgraduate training of pathologists, physiologists, and cell biologists preparing for a career in the investigation of transporting epithelia. Residents and trainees will be familiarized with the methods and techniques of electron microscopy as applied to the study of transporting epithelia.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (May 13, 1974).

Reasons: The foreign article provides a guaranteed resolving capability of 3.5 Angstroms point-to-point without a goniometer stage and 5 Angstroms point-to-point with a goniometer stage.

The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope supplied by the Adam David Company. At the time of order the Model EMU-4C had a guaranteed resolving capability of 5 Angstroms point to point without a goniometer stage and 8 Angstroms with a goniometer stage. (The lower the numerical rating in terms of Angstrom units, the better the resolving power.)

The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated September 26, 1974 that the best resolution available, with and without a goniometer stage, is pertinent to the purposes for which the article is intended to be used. HEW also advised that domestic instruments do not provide equivalent resolution.

We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used at the time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import
Programs Division.

[FR Doc.74-25639 Filed 11-1-74; 8:45 am]

National Oceanic and Atmospheric
Administration

JOHN D. HALL

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Scientific Research Permit issued to John D. Hall, University of California at Santa Cruz, on September 26, 1974 is modified in the following manner:

The two Pacific white-sided dolphins to be lavaged while in captivity shall be included in the total of 30 dolphins authorized to be lavaged rather than using the two dolphins authorized to be taken and held during the metabolic study portion of the research.

This modification is effective on November 4, 1974.

The permit, as modified, and documentation pertaining to the modification, is available for review in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235 and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: October 29, 1974.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74-25657 Filed 11-1-74; 8:45 am]

GERALD L. KOOYMAN

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33(d) and (e)

of the regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Scientific Research Permit issued to Gerald L. Kooyman on June 4, 1974, is modified in the following manner.

The six authorized California sea lions may be either from stranded animals placed in the care of the Permit Holder for the purpose of nursing them back to health, or taken, as was initially specified in the Permit, from the wild population of this species on the California Channel Islands. In order to provide the broadest possible flexibility in selecting the sea lions, while ensuring that only sub-adult sea lions are taken, the following condition is specified. Wild sea lions, if male, are not to weight less than 30 nor more than 200 pounds, and, if female, are not to weight less than 30 nor more than 100 pounds.

This modification is effective on November 4, 1974.

The permit, as modified, and documentation pertaining to the modification are available for review in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235 and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: October 29, 1974.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74-25660 Filed 11-1-74; 8:45 am]

NORTHWEST FISHERIES CENTER

Notice of Public Hearing

Notice is hereby given that a hearing will be held at 10 a.m. on November 20, 1974, in the Penthouse Conference Room, National Marine Fisheries Service, Page Building No. 1, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20007. The purpose of the hearing is to consider applications from the Marine Mammal Division, Northwest Fisheries Center, National Marine Fisheries Service, Seattle, Washington 98112 for a scientific research permit under the Marine Mammal Protection Act of 1972 and for a scientific purposes permit under the Endangered Species Act of 1973, to mark by tagging up to fifty (50) fin whales (*Balaenoptera physalus*), seventy-five (75) sei whales (*Balaenoptera borealis*), and two hundred (200) sperm whales (*Physeter catodon*), and to take and/or import specimen materials of scientific value, if any of these animals are accidentally killed. In addition, the permit application submitted for a scientific research permit under the Marine Mammal Protection Act, also requested to mark by tagging up to fifty (50) Bryde's whales (*Balaenoptera edeni*), and one hundred (100) minke whales (*Balaenoptera acutorostrata*) and to take and/or import specimen materials of scientific value, if any of these animals are accidentally killed.

Since Bryde's and minke whales are not listed on the U.S. Endangered Species List, the information that is obtained at this hearing relating exclusively to the proposed importing of specimen materials and/or taking of these species will not be considered under the provisions of the Endangered Species Act of 1973.

The applicant will be participating in a whale-marking cruise sponsored by the All-Union Research Institute of Marine Fisheries and Oceanography of the Soviet Union. No cetaceans (whales) will be intentionally killed. If any cetaceans are accidentally killed, parts of scientific value will be deposited in the collections of the cooperating governments.

The application for the Marine Mammal Protection Act permit will be considered under the existing Marine Mammal Protection Act regulations. The application for the Endangered Species Act permit will be considered under the Endangered Species Act final regulations governing permit issuance which will be promulgated before November 20, 1974.

It is the desire of the National Marine Fisheries Service to receive public comments on the specific applications outlined above. Individuals and organizations may express their views or opinions by appearing at this hearing, or by submitting written comments for inclusion in the record between the date of publication of this notice (11-4-74) and 15 days following the hearing. Written comments should be submitted, and inquiries with respect to the hearing directed, either to the Director, National Marine Fisheries Service, Washington, D.C. 20235, or the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109.

Dated: October 30, 1974.

JACK W. GEHRINGER,
Director,

National Marine Fisheries Service.

[FR Doc.74-25659 Filed 11-1-74; 8:45 am]

NORTHWEST FISHERIES CENTER

Receipt of Applications for Scientific Research and Scientific Purposes

Notice is hereby given that the following applicant has applied for permits to take marine mammals and/or import marine mammal specimen materials for the purpose of scientific research under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and for scientific purposes under the Endangered Species Act of 1973 (16 U.S.C. 1531-43).

Marine Mammal Division, Northwest Fisheries Center, National Marine Fisheries Service, Seattle, Washington, 98112, to mark, by tagging, up to fifty (50) fin whales (*Balaenoptera physalus*), seventy-five (75) sei whales (*Balaenoptera borealis*), and two hundred (200) sperm whales (*Physeter catodon*), and to take and/or import specimen materials of scientific value, if any of these animals are accidentally killed. In addition, the permit application submitted for a

scientific research permit under the Marine Mammal Protection Act also requested to mark, by tagging, up to fifty (50) Bryde's whales (*Balaenoptera edeni*), and one hundred (100) minke whales (*Balaenoptera acutorostrata*) and to take and/or import specimen materials of scientific value, if any of these animals are accidentally killed.

The Applicant will be participating in a whale-marking cruise sponsored by the All-Union Research Institute of Marine Fisheries and Oceanography of the Soviet Union. No cetaceans will be intentionally killed.

If any cetaceans are accidentally killed, parts of scientific value will be deposited in the collections of the cooperating governments. The United States would deposit specimens in the Marine Mammal Division collections and with the Smithsonian Institution.

This research will be conducted under an Agreement on Cooperation in the Field of Environmental Protection, signed by President Nixon and Chairman Podgorny on May 23, 1972, which calls for collaboration in 11 subject areas. Protection and Management of Marine Mammals comes under subject area number V of the agreement, "Conservation of Rare and Endangered Species of Animals and Plants and General Wildlife Conservation and Management." The National Oceanic and Atmospheric Administration, National Marine Fisheries Service, has been given the responsibility for coordinating U.S. participation in the Marine Mammal Working Group Program. Proposed cooperative research projects resulting from the December 1973 Working Group meeting held in Washington, D.C., included a Soviet-sponsored whale tagging expedition in the eastern Pacific Ocean. Tagging and observations will provide information on distribution, abundance, and movements needed to formulate rational international conservation and management regulations, particularly for commercial species of whales.

Two American scientists have been invited to participate in the Soviet-sponsored whale marking expedition in the eastern Pacific Ocean, primarily in the area of the Galapagos Islands, as part of the cooperative program of the U.S.-U.S.S.R. U.S. participation in this research program will begin on or about January 2, 1975 and terminate on or about February 23, 1975.

Information will be obtained on geographical limits, seasonal movements, growth rates, and sizes of whale stocks, and is essential for proper international regulation of whaling activities and the determination of the U.S. position in the International Whaling Commission (IWC). Only commercial species of whales will be marked. Sighting data, however, will be collected on all cetaceans. Discovery marks will be used since these are the only available, dependable means of marking whales and retrieving the data through commercial harvest. The marks are recovered when the whales are processed and the information is collected by international observers aboard the whaling vessels or sent to the

IWC by the recovering whaling company.

The application for the Marine Mammal Protection Act permit will be considered under the existing Marine Mammal Protection Act regulations. The application for the Endangered Species Act permit will be considered under the Endangered Species Act final regulations governing permit issuance which will be promulgated before November 20, 1974.

Documents submitted in connection with these applications are available in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue, North, Seattle, Washington 98109.

Concurrent with the publication of this notice in the FEDERAL REGISTER (11-4-74), the Secretary of Commerce is sending copies of the application submitted under the Marine Mammal Protection Act to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this data on or before December 4, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: October 30, 1974.

JACK W. GEHRINGER,
Director,

National Marine Fisheries Service.

[FR Doc.74-25661 Filed 11-1-74; 8:45 am]

SHIPWRECK, INC.

Application for Marine Mammal Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Shipwreck, Incorporated, 1938 Buhne Drive, Eureka, California 95501, to take three (3) Pacific harbor seals (*Phoca vitulina richardii*) for the purpose of public display.

The harbor seals would be taken from southern Humboldt Bay, in Humboldt County, California. The animals would be taken by Shipwreck, Incorporated personnel, who have been collecting harbor seals in this area for thirteen years.

Harbor seals are normally taken in Humboldt Bay during the months of April, May and June. The animals are captured by means of a nylon net, 20 feet high and 100 feet long with seven inch mesh. The net is anchored in shallow water at low tide, and the harbor seals are entrapped as they move towards deep water with the outgoing tide. The seals are then transferred to tube-like traveling nets and transported by boat to the Shipwreck holding facilities.

The harbor seals will be maintained in a free-form concrete pool, 90 feet long, and averaging 15 feet in width and 4 feet in depth.

Filtered sea water is supplied from Humboldt Bay at the rate of 75 gallons per minute. The pool is surrounded by a 4-foot high chain link fence.

The seal pool is viewed by approximately 100,000 persons annually. Visitors may purchase smelt from a vending machine.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, telephone 202-343-9445, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-548-2575.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before December 4, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: October 29, 1974.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74-25658 Filed 11-1-74; 8:45 am]

[Docket No. Sub-B-62]

MCCORMACK TRAWLING CORP.

Notice of Change of Hearing Date

NOVEMBER 1, 1974.

Whereas, on September 26, 1974, there was published at 39 FR 34593 a notice of hearing in the above entitled matter to be held in Washington, D.C., on November 4, 1974;

Whereas such notice of hearing provided that any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, as proscribed in CFR Part 257 at least 10 days prior to the date set for hearing;

Whereas several persons have filed petitions for leave to intervene and/or have expressed in writing their interests in this matter (such persons hereinafter referred to as putative intervenors);

Whereas these putative intervenors have expressed the desire to have a hearing in this matter at a location other than in Washington, D.C.; and

Whereas the undersigned Administrative Law Judge assigned to hear and adjudicate the application herein has taken the foregoing matters under advisement and has concluded that the establishment of a different hearing date would facilitate a determination of this matter and be in the interest of the public;

It is accordingly hereby ordered, that the hearing in this matter originally scheduled for November 4, 1974, in Washington, D.C., be, and is rescheduled to be held December 3, 1974. At 10 a.m., e.s.t., in the Penthouse of Page Building No. 1, 2001 Wisconsin Avenue NW., Washington, D.C. This hearing will be consolidated with the hearing of a similar application from McCormack Trawling Corporation since the same fishery is involved.

I am at this time reserving the right to schedule the location of the hearing at a place other than Washington, D.C. If the decision is made to reschedule the hearing location, all parties will receive advance notification of the change.

FREDERICK W. DENNISTON,
Administrative Law Judge.

[FR Doc.74-25865 Filed 11-1-74; 11:37 am]

[Docket No. Sub-B-49]

OLD COLONY TRAWLING CORP.

Notice of Change of Hearing Date

NOVEMBER 1, 1974.

Whereas, on September 26, 1974, there was published at 39 FR 34593 a notice of hearing in the above entitled matter to be held in Washington, D.C., on November 4, 1974;

Whereas such notice of hearing provided that any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for hearing;

Whereas several persons have filed petitions for leave to intervene and/or have expressed in writing their interests in this matter (such persons hereinafter referred to as putative intervenors);

Whereas these putative intervenors have expressed the desire to have a hearing in this matter at a location other than in Washington, D.C.; and

Whereas the undersigned Administrative Law Judge assigned to hear and adjudicate the application herein has taken the foregoing matters under advisement and has concluded that the establishment of a different hearing date would facilitate a determination of this matter and be in the interest of the public;

It is accordingly hereby ordered, that the hearing in this matter originally scheduled for November 4, 1974, in Washington, D.C., be, and is rescheduled to be held December 3, 1974. At 10 a.m., e.s.t., in the Penthouse of Page Building No 1, 2001 Wisconsin Avenue NW., Washington, D.C. This hearing will be consoli-

dated with the hearing of a similar application from Old Colony Trawling Corporation since the same fishery is involved.

I am at this time reserving the right to schedule the location of the hearing at a place other than Washington, D.C. If the decision is made to reschedule the hearing location, all parties will receive advance notification of the change.

FREDERICK W. DENNISTON,
Administrative Law Judge.

[FR Doc.74-25866 Filed 11-1-74; 11:38 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

Notice of Meeting

The Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration announces the meeting dates and other required information for the following National Advisory body scheduled to assemble the month of December 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Mental Health Council.	Dec. 2-4, 9:30 a.m., conference room 14-105, Parklawn Bldg., Rockville, Md. 20852.	Open—Dec. 2, closed—Dec. 3-4. Contact Mrs. Zelia Diggs (301) 443-4333, Parklawn Bldg., room 9C-05 5600 Fishers Lane, Rockville, Md. 20852.

Purpose: The National Advisory Mental Health Council advises the Secretary, Department of Health, Education, and Welfare, regarding the policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research, training, and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and the amount of, these grants.

Agenda: December 2 will be devoted to discussion of NIMH policy issues. These will include current administrative, legislative, and program developments. On December 3-4, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public, in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to provisions set forth in Section 552(b)(4) and 552(b)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463.

Substantive information may be obtained from the contact person listed above.

The NIMH Information Officer who will furnish summaries of the meeting and a roster of the committee members is Mr. Edwin Long, Deputy Director, Di-

vision of Scientific and Technical Information, National Institute of Mental Health, Room 15-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone no. (301) 443-3600.

Dated: October 25, 1974.

JAMES D. ISBISTER,
Acting Administrator, Alcohol,
Drug Abuse, and Mental
Health Administration.

[FR Doc. 74-25645 Filed 11-1-74; 8:45 am]

**Food and Drug Administration
GRAS OR PRIOR-SANCTIONED DIRECT
HUMAN FOOD INGREDIENTS**

Availability of Information

Correction

In FR Doc. 74-21207 appearing at page 32418 in the Monday, September 23, 1974 issue, make the following change:

On page 34218 in the fourth line of the first paragraph under the tables in the second column insert the word "prefix" after "FDABF" so that the corrected line reads "order numbers having an FDABF prefix or AS".

MANUFACTURERS AND DISTRIBUTORS

Certain Dermatologic Anti-Infective-Containing Prescription Drugs for Human Use Affected by Drug Efficacy Study Implementation

Correction

In FR Doc. 74-23535 appearing at page 36365 in the issue of Wednesday, October 9, 1974, in the first line of the third column on page 36366, the telephone number should read "301-443-4960".

Office of the Secretary

NATIONAL COMMISSION FOR PROTECTION OF HUMAN SUBJECTS OF BIO-MEDICAL AND BEHAVIORAL RESEARCH

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the first meeting of the National Commission for Protection of Human Subjects of Biomedical and Behavioral Research on December 3 and 4, 1974, in the Snow Room, Room 5051, HEW North Building.

The entire meeting will be open to the public from 2 p.m. to 5 p.m. on December 3, 1974, and from 9 a.m. to 5 p.m. on December 4, 1974. The agenda includes orientation of Commission members, election of a chairman, and general planning. Attendance by the public will be limited to space available. Members of the public who wish to participate in this meeting must file a written request with the Executive Director 30 days before the date of the meeting, giving the name and address of the person to be contacted, and summarizing the nature of the proposed participation.

Rosters of the Commission members may be obtained from Mr. William Pinder (202-245-6867), Room 5072, HEW North Building, 330 Independence Avenue, SW., Washington, D.C. 20201, until November 10; thereafter all requests for information should be directed to Ms. Anne Ballard (301-496-7526), Room 125, Westwood Building, 9000 Rockville Pike, Bethesda, Maryland 20014.

Substantive program information will be provided by Dr. Charles U. Lowe, Executive Director of the Commission (301-496-5035), Building 31, Room 4B-59, 9000 Rockville Pike, Bethesda, Maryland 20014.

Dated: October 29, 1974.

C. U. LOWE,
Executive Director.

[FR Doc. 74-25667 Filed 11-1-74; 8:45 am]

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

[Docket No. N-74-254]

PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

Miscellaneous Amendments

HUD is amending the Departmental Handbook 1390.1 which was published July 18, 1973 (Docket No. N-73-182, 38 FR 19182) to change certain procedures with respect to protection and enhancement of environmental quality. These changes are essentially three-fold:

1. Clearances for project level actions involving HUD-insured projects, subdivisions, or low-rent housing projects are conducted on a different form from other project clearances.
2. A new form (included as appendix C-5) is provided for both normal and special clearance for subdivision and multifamily projects, and
3. Certain threshold criteria for ascertaining whether a special environmental clearance is required are revised upward, and thresholds for preparing EIS are provided.

These changes are designed to expedite processing of various housing project applications while at the same time maintaining effective environmental review for every project. For this reason, the Department finds that it is impracticable and contrary to the public interest to defer adoption of these changes until after public procedure and comment can be completed, and good cause also exists for waiving postponement of the effective date pursuant to 5 USC 553(d). Accordingly, this amendment is being made effective upon publication in the FEDERAL REGISTER. However, interested persons are invited to submit written data, views and suggestions with respect to this interim rule, and all relevant comments received on or before Nov. 29, 1974 will be considered before adoption of a final rule. Submittals should be filed in triplicate with the Rules Docket Clerk, Room 10245, Office of General Counsel, HUD Building, 451 7th Street, SW., Washington, D.C. 20410. Copies of all comments received will be available for public examination during regular business hours at the above address.

1. Paragraph 5.a(7) of the Regulations set forth at 38 FR 19182 et seq. is hereby deleted in its entirety and replaced by the following:

(7) *Environmental clearance forms*—a. Project level actions involving other than HUD insured projects, subdivisions and low-rent housing projects. The environmental clearance forms in Appendix C-1, 2 and 3 shall be used in conducting the required environmental clearance(s) for project level actions involving other than HUD insured projects, subdivisions and/or low-rent housing projects. Form ECO-1, completed by the applicant, shall be used by HUD principally as a source of factual information. An independent environmental assessment and evaluation shall be conducted by HUD on Form ECO-2 or Form ECO-3 or an Environmental Impact Statement shall be prepared for such project level actions. The completed clearances shall become part of the application file and shall accompany the proposal through the review and decision-making process.

The Applicant's Environmental Information, Form ECO-1 (Appendix C-1), shall be required of applicants for all project proposals except those exempted in paragraph 5.a(1) and those covered in paragraph 7b. The applicant shall be provided with Form ECO-1 along with the required program application forms, and the environmental clearance requirements shall be explained in the earliest stages of contact and application preparation. HUD shall indicate to the applicant the initial level of environmental clearance required for the proposed project, using Appendix B-1. The completed Form ECO-1 shall accompany A-95 notification where required (see paragraph 5.a(8)).

It shall be submitted to HUD with the completed application. After obtaining information from other sources, HUD shall evaluate and verify the information provided by the applicant on Form ECO-1. HUD may begin preparing the appropriate clearance worksheet at this time or may await the resolution of problems. The applicant shall be asked to modify or supplement Form ECO-1 as appropriate: if there is adequate information, the applicant shall be asked to supplement Form ECO-1 with documentation as necessary; if there are environmental problems, the applicant shall be asked to present solutions, modify the project, include measures to enhance environmental quality or reduce adverse environmental impacts, provide assurances and documentation as necessary, and amend or revise Form ECO-1 accordingly. HUD shall then complete the appropriate environmental clearance worksheet, Form ECO-2 for Normal Clearance or Form ECO-3 for Special Clearance (Appendices C-2 and C-3), or shall prepare the Draft Environmental Impact Statement.

b. HUD insured projects, subdivisions and low-rent housing projects. The environmental clearance form in Appendix C-5, shall be used in conducting the required environmental clearance(s) for project level actions involving HUD insured projects, subdivisions and/or low-rent housing projects. For these project level actions, submission of Form ECO-1 by the applicant shall not be required. Processing of the required clearance will be initiated in every instance by the HUD appraiser assigned to the project. The appraiser shall analyze the site and shall utilize environmental criteria in preparing the Normal and Special Clearance. The appraiser shall obtain interdisciplinary assistance from other HUD staff as needed. Additional information may also be requested of the sponsor but such requests shall generally be limited to information not obtainable by HUD technical personnel. If environmental problems are ascertained, the sponsor may be asked to present solutions, modify the project, include measures to enhance environmental quality or reduce adverse environmental impacts and provide related assurances and documentation. The burden of assessing environmental impact is with the HUD office which shall

prepare the worksheet shown in Appendix C-4 or shall prepare the draft Environmental Impact Statement.

2. The last two sentences of Paragraph 5.a(8) (a) of said Regulations are deleted and replaced by the following:

"Any ECO-1 prepared by the applicant shall accompany the A-95 submission", when required.

3. Paragraph 5.c(1) of said Regulations is deleted in its entirety and replaced by the following:

(1) *Project level actions.* Special Environmental Clearance for project level actions is a preliminary version of the analysis required in the Environmental Impact Statement. It provides the HUD official with a factual basis for determining whether the proposed action has a significant environmental impact and hence, whether it should be approved, rejected, or modified, or whether an Environmental Impact Statement is required. Information required shall be requested from the applicant and/or gathered from other sources as appropriate. After modifications to the proposal to mitigate environmental impacts as necessary, HUD shall conduct an independent assessment and evaluation using the Forms shown as Appendix C-3 or C-5, as appropriate. On the basis of this assessment an environmental finding shall be made and accompany the

application through the review process (see Appendix C-4 or C-5, as appropriate).

(a) *Responsibility for clearance.* Special Environmental Clearance shall be conducted by the Area/Insuring Office Technical Staff and concurred in by the Area/Insuring Office Environmental Clearance Officer.

(b) *Action resulting from clearance.* (1) Even after appropriate modifications to the proposal, there exist environmental impacts which are unavoidable, and, based on HUD environmental policies and standards, such impacts are also considered unacceptable. The proposal shall be rejected.

(ii) There is no significant environmental impact. A Finding of Inapplicability shall be made on the Special Environmental Clearance Worksheet. Processing may proceed; conditions or safeguards found to be necessary to protect and enhance environmental quality or minimize adverse environmental impacts shall be set forth in the contract, grant, or comparable document, as set forth in paragraph 3.b.

(iii) Even after appropriate modifications to the proposal to mitigate environmental impacts, there remains significant or potentially significant environmental impact. An Environmental Impact Statement is required.

4. That portion of Appendix A-1 of said Regulations, dealing with "Housing Assistance or Insurance" is deleted in its entirety (except for Property Disposition) and replaced by the following:

Program	Decision points	Thresholds
Housing Assistance or Insurance: ² New Construction or substantial rehabilitation of: ³		
— one-to-four family structures.	Issuance of feasibility letter or major change in letter or project (ASP-6).	100 lot subdivision where typical lot size is 6000 sq. ft. or greater; 200 lot subdivision where typical lot size is under 6000 sq. ft.
— multifamily structures.	Issuance of SAMA letter or major change in letter or project. Reservation of contract authority to State and local agencies for interest reduction assistance and rent supplement payments for uninsured projects. ⁴	200-unit multifamily project (including scattered sites), or requested mortgage amount exceeds \$5,000,000.
— public housing.	Letter of notification of tentative site approval or approval of major change.	200-unit public housing project (including scattered sites).
— college housing.	Approval of fund reservation for college housing or major amendatory.	200-student project.
— mobile homes.	Issuance of SAMA letter or major change in letter or project.	200-unit mobile home park.
— nursing homes.	Issuance of SAMA letter or major change in letter or project.	200-bed nursing home.
— hospitals. ⁵	Issuance of SAMA letter or major change in letter or project.	200-bed hospital.
— group practice facilities.	Issuance of SAMA letter or major change in letter or project.	Facilities with site acreage of 50,000 sq. ft., or gross floor area of 30,000 sq. ft.
— Section 8 Housing Assistance Payments Program.	Notification of selection of preliminary proposals.	200-unit project.

² Project selection criteria are not a substitute for environmental clearance.

³ Phase three Breakthrough housing projects are subject to environmental clearance procedures in the same way as other housing projects.

⁴ This Handbook shall also apply to HUD approval of interest subsidy on existing properties. However, the environmental assessment does not have to address the impact of the construction of the project on the environment since it has already taken place. All other environmental factors must be assessed.

⁵ HEW has the lead role in environmental evaluation and clearance of proposed hospitals. HUD has responsibility for clearance and conformance with Departmental policies and standards to the extent that such clearance is not conducted by HEW.

5. In that portion of Appendix A-2 of said regulations dealing with "other HUD Actions with Special Requirements," delete Title X, "Mortgage Insurance for Land Development" and add "Multi-family Projects of 500 Units or More and Subdivisions of 500 Units or More".

Add footnote at the end of Appendix A-2 "It is recognized that in high density areas, size alone need not necessarily imply a significant impact on the quality of the human environment. Therefore, special exemption to this threshold may be granted by the Assistant Secretary for

CPD where typical densities in the immediate environs of the proposed multifamily project exceeds 50 units per acre (LUI of 5.2 to 7.3). Area wide waivers may be granted for large dense urban areas or sections thereof having such densities and meeting criteria established by the Assistant Secretary. Delegations of authority to approve such waivers may be granted to the Regional Offices at the discretion of the Assistant Secretary."

6. The following is inserted in said Regulations as Appendix C-5:

NOTICES

APPENDIX C-5

NORMAL AND SPECIAL ENVIRONMENTAL CLEARANCE FOR SUBDIVISION AND MULTIFAMILY PROJECTS

Department of Housing and Urban Development

A. Project Identification:

Applicant's Name: _____ Street Address: _____
 City or County: _____ State: _____ Zip: _____
 Phone: _____ Project Name: _____ FHA File #: _____
 Project/Subdivision Location: _____
 Number of lots or units proposed: _____ Size of tract (acres/sq. ft.): _____
 Demand for housing in this area: adequate—reject—If reject, go to Section I.
 For Subdivision Only:
 Has work started? Yes ___ No ___ If work has started: Grading is ___ % completed;
 Street improvements are ___ % completed. Number of homes under construction: ___
 Number of homes completed: ___

ENVIRONMENTAL ANALYSIS

Evaluate project and assign a rating: A, B, C or Na. (See instructions.)

B. Compliance with Standards:

1. Have A-95 review requirements been met? Yes ___ No ___ In process ___
2. Is the project in compliance with the local and regional comprehensive plans? Yes ___ No ___
3. Is the project in compliance with local zoning ordinances? Yes ___ No ___
4. Compliance with applicable standards:

	Rating	Source/ Documentation		Rating	Source/ Documentation
a. Historic Properties	_____	_____	e. Wetlands	_____	_____
b. Noise	_____	_____	f. Air Quality	_____	_____
c. Flood plain	_____	_____	g. Other (Specify)	_____	_____
d. Coastal Zone	_____	_____			

Is the project in violation of applicable standards? Yes ___ No ___
 Should the project be rejected? Yes ___ No ___
 If reject, go to Section I. If not, continue the environmental assessment (Section C).

C. Site Suitability Analysis:

	Rating	Source/ Documentation		Rating	Source/ Documentation
1. Slope stability	_____	_____	6. Natural hazards	_____	_____
2. Foundation conditions	_____	_____	7. Man-made hazards	_____	_____
3. Terrain	_____	_____	8. Nuisances	_____	_____
4. Soil permeability	_____	_____	9. Compatibility in use and scale with environment.	_____	_____
5. Ground water	_____	_____			

Services and Facilities	(Access)	Rating	(Adequacy)	Source/Documentation
11. Elementary school	_____	_____	_____	_____
12. Junior and senior high school	_____	_____	_____	_____
13. Employment	_____	_____	_____	_____
14. Shopping	_____	_____	_____	_____
15. Park, playground and open space	_____	_____	_____	_____
16. Police and fire	_____	_____	_____	_____
17. Health care/social services	_____	_____	_____	_____
18. Transportation	_____	_____	_____	_____
19. Other services:	_____	_____	_____	_____

Utilities	Rating	Source/ Documentation	Utilities	Rating	Source/ Documentation
20. Water supply system	_____	_____	23. Solid waste disposal	_____	_____
21. Sanitary sewer system	_____	_____	24. Other utilities	_____	_____
22. Storm sewer system	_____	_____	25. Paved access to site	_____	_____

D. Does project size exceed special clearance size thresholds? Yes ___ No ___
 If yes, continue review (Section E). If not, go to Section F. (See Chapter 8, Handbook 4010.1)

E. Impacts on the environment (special clearance)

	Rating	Source/Documentation
1. Impact on unique geological features or resources	_____	_____
2. Impact on rock and soil stability	_____	_____
3. Impact on soil erodability	_____	_____
4. Impact on ground water (level, flow and quality)	_____	_____
5. Impact on open streams and lakes	_____	_____
6. Impact on plant and animal life	_____	_____
7. Impact on energy resources	_____	_____
8. Impact on social fabric and community structures	_____	_____
9. Displacement of persons or families	_____	_____
10. Impact on aesthetics and urban design	_____	_____

	Rating	Source/Documentation
11. Impact on existing or programmed community facilities		
a. Schools		
b. Parks, playgrounds and open spaces		
c. Health care and social services		
d. Community services		
e. Transportation		
f. Water supply system		
g. Sanitary sewer system		
h. Storm sewer system		
i. Solid waste disposal system		

F. Will the project have notable impacts on the environment? Yes ☐ No ☐. If yes, is further analysis necessary? Yes ☐ No ☐. Are there alternative site designs that can be considered? Yes ☐ No ☐.
Comment: _____

G. Assess the following conditions: (a) Does the project form part of a larger development pattern? Yes ☐ No ☐. (b) Is the project likely to stimulate additional development? Yes ☐ No ☐. (c) Are there other developments planned which are, or will be impacted by the project? Yes ☐ No ☐. If any of the above are answered "Yes" indicate how the cumulative environmental impact of the larger development will be addressed. EIS ☐ Special Environmental Clearance ☐ 701 planning funds ☐ other ☐. Should this project be delayed until the cumulative impacts are accounted for? Yes ☐ No ☐.
Comment: _____

H. Location and market:

1. Marketability is: Acceptable ☐ Reject ☐.
If reject, go to Section I.
2. Most marketable price or rental range is \$_____ to \$_____.
3. Most marketable units 0-2 BR _____
3 BR _____
4 or more _____.
4. For Subdivisions:
Estimated market price of typical lot \$_____ to \$_____.
Typical lot size _____.

Local Authorities:

1. Local authorities have ☐ have not ☐ approved tentative map.
2. Local officials contacted:
Name: _____ Title: _____ Phone: _____
Name: _____ Title: _____ Phone: _____
3. Information and Date Obtained: _____

I. Environmental Findings: (Check applicable items)

- ☐ Reject
☐ EIS Required

☐ No EIS required. Project is consistent with HUD environmental policies and requirements and is not a major Federal action significantly affecting the quality of the human environment.

☐ Further environmental review is required. Backup material is appended. Yes ☐ No ☐

Comment: _____

Field Inspection and Assessment made by: _____

Name	Title	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

J. Review and comment of Environmental Clearance Officer:

For Subdivisions only

- ☐ Issue Interim Form ASP-5.
☐ Special problems involve:
Sanitary engineering _____
Site engineering _____
Site planning _____
Architecture _____
☐ Issue ASP-6
VA has been contacted. Yes ☐ No ☐

Environmental Clearance Officer _____ Date _____

K. Instructions by Chief Underwriter:

_____ Date _____

Effective date. This amendment is effective on November 4, 1974.

JAMES T. LYNN,
Secretary of Housing
and Urban Development.

[FR Doc.74-25487 Filed 11-1-74; 8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-306]

NORTHERN STATES POWER CO.

Issuance of a Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-60 to Northern States Power Company, authorizing operation of the Prairie Island Nuclear Generating Plant, Unit 2, at steady state reactor core power levels not in excess of 1650 megawatts thermal, in accordance with the provisions of the license and the Technical Specifications. The Prairie Island Nuclear Generating Plant, Unit 2, is a pressurized water nuclear reactor located at the licensee's site in Goodhue County, Minnesota.

The Commission has made appropriate findings as required by the Atomic

Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire on June 25, 2008.

A copy of (1) Facility Operating License No. DPR-60; (2) the report of the Advisory Committee on Reactor Safeguards, dated April 18, 1973; (3) the Directorate of Licensing's Safety Evaluation dated September 28, 1972, and supplements thereto; (4) the Final Safety Analysis Report and amendments thereto; (5) the applicant's Environmental Report dated November 5, 1971, and supplements thereto; (6) the Draft Environmental Statement dated January

1973; and (7) the Final Environmental Statement dated May 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and the Environmental Library of Minnesota, 1222 SE 4th Street, Minneapolis, Minnesota. A copy of the license and the Safety Evaluation may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 29th day of October 1974.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Light Water Reactors
Branch 2-2, Directorate of
Licensing.

[FR Doc.74-25646 Filed 11-1-74; 8:45 am]

REGULATORY GUIDES

Issuance and Availability

The Atomic Energy Commission has issued two new guides in its Regulatory Guide Series. The Regulatory Guide Series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 9.2, "Information Needed by the AEC Regulatory Staff in Connection With Its Antitrust Review of Construction Permit Applications for Nuclear Power Plants," describes information needed at the construction permit stage by the Office of Antitrust and Indemnity to (1) expedite antitrust reviews in accordance with section 105c of the Atomic Energy Act, as amended; (2) assist in the selection and recommendation of appropriate license conditions as required to remedy antitrust concerns; and (3) assist in the implementation of compliance programs as required to enforce license conditions. This guide supplements, mainly through documents easily available to the applicant, the information provided to answer the Attorney General's list of twenty questions.

Regulatory Guide 9.3, "Information Needed by the AEC Regulatory Staff in Connection With Its Antitrust Review of Operating License Applications for Nuclear Power Plants," applies to the operating license stage and is the counterpart to Regulatory Guide 9.2, which applies to the construction permit stage as described above. There are no Attorney General questions relating to operating license applications as there are for construction permit applications. The two regulatory guides have the same purpose but apply to different stages of the licensing process.

Comments and suggestions in connection with improvements in any published

guides are encouraged at any time. Public comments on Regulatory Guides 9.2 and 9.3 will, however, be particularly useful in evaluating the need for an early revision if received within two months of the date of the guides. Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 24th day of October 1974.

For the Atomic Energy Commission.

LESTER ROGERS,

Director of Regulatory Standards.

[FR Doc.74-25647 Filed 11-1-74; 8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORPORATION

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station, located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment incorporates (1) the limiting conditions for operation of the off-gas system isolation instrumentation and the associated surveillance requirements, (2) the limiting conditions for operation of the condenser low vacuum level trip on the primary containment isolation instrumentation and the associated surveillance requirements, and (3) clarification of the intent for the limiting conditions for operation of the core and containment cooling systems availability during refueling and the associated surveillance requirements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated August 23, 1974, (2) Amendment No. 9 to License No. DPR-28,

with Change No. 20, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Brooks Memorial Library at 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 23d day of October 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,

Chief, Operating Reactors
Branch #2, Directorate of
Licensing.

[FR Doc.74-25599 Filed 11-1-74; 8:45 am]

[WPPSS Hanford No. 1 and No. 4; Docket Nos. 50-460, 50-513]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Order for Special Prehearing Conference

Notice is hereby given that, pursuant to the Atomic Energy Commission's "Notice of Receipt of Amended Application for Construction Permits and Facility Licenses and Notice of Hearing on Amended Application for Construction Permits; Time for Submission of Views on Antitrust Matters" (Notice of Hearing) published in the FEDERAL REGISTER on September 18, 1974 (39 FR 33588), and in accordance with § 2.751a of the Commission's Rules of Practice, 10 CFR Part 2, a special prehearing conference will be held in the above-captioned proceeding on December 5, 1974, at 10 a.m. local time in the Columbia Room, Hanford House, 804 George Washington Way, Richland, Washington. This prehearing conference will be held before the Atomic Safety and Licensing Board (the Board) established in the Notice of Hearing and composed of Dr. Donald P. deSilva and Dr. Marvin M. Mann as technical members, and Daniel M. Head as Chairman.

The application which is the subject matter of this proceeding has been made by the Washington Public Power Supply System (WPPSS) for construction permits for two pressurized water nuclear power plants (the facilities) which are identified as WPPSS Nuclear Power Project Nos. 1 and 4. Each of the plants will be designed for operation at approximately 3600 megawatts thermal with a net electrical output of 1206 megawatts. The proposed facilities are to be located at the Applicant's site 17 miles southeast of the Hanford No. 1 site, on the Hanford reservation in Benton County, near Richland, Washington.

This special prehearing conference shall deal with the following matters:

1. Identification of the key issues;
2. Any steps necessary for further identification of the issues;
3. Outstanding petitions for intervention;
4. All pending motions;
5. The need for discovery, and the time required therefor;

6. Establishment of a schedule for further action;

7. Disposition insofar as is possible of all matters that were pending before the Board prior to the amendment relocating the site for WPPSS Nuclear Project No. 1 and the amendment adding the application for a construction permit for WPPSS Nuclear Project No. 4; and

8. Such other matters as may aid in the orderly disposition of the proceeding.

At the special prehearing conference, the Board will entertain oral argument on the outstanding petitions to intervene. The petitioners, as well as the parties, will be heard in this regard. The Board will expect to be advised on issues relating both to the interest and to the contentions of the various petitioners.

Members of the public are invited to attend this prehearing conference as well as the evidentiary hearing to be held at a later date to be fixed by the Board. Members of the public wishing to make limited appearances pursuant to § 2.715 (a) of the Commission's Rules of Practice, 10 CFR Part 2, may identify themselves at this prehearing conference but oral or written statements to be presented by limited appearances will not be received at this conference. The Board will receive such statements at the aforementioned evidentiary hearing.

The attorneys for the respective parties and any petitioners for intervention are directed to confer in advance of this special prehearing conference, in such manner as they may deem appropriate, and report to the Board at said conference on any stipulations regarding interest and/or matters in controversy, and on any other mutually agreeable procedures to expedite this proceeding.

Issued at Bethesda, Maryland, this 29th day of October 1974.

By Order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,

Chairman.

[FR Doc.74-25648 Filed 11-1-74; 8:45 am]

CIVIL AERONAUTICS BOARD

[Order 74-10-147; Docket Nos. 25911, 26262]

HUGHES AIRWEST

Order To Show Cause and Granting Temporary Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of October 1974.

In the matter of application of Hughes Airwest for amendment of its certificate of public convenience and necessity for Route 76F and application of Hughes Airwest for temporary exemption authorizing service to Edmonton, Alberta, Canada on Route 76F.

By Order 74-4-31, dated April 4, 1974, the Board authorized Hughes Airwest (Airwest) to serve Edmonton, Alberta, Canada, on Route 76F (Spokane-Calgary). The authority was to be effective until October 31, 1974, to coincide with the duration of the Spokane World's Fair.

On July 29, 1974, Airwest applied for an extension of the exemption granted in Order 74-4-31 for a period of one year or until final action is taken on its certi-

ificate amendment application (Docket 25911). Concurrently, the carrier filed a petition for an order to show cause why its certificate for Route 76F should not be amended by adding Edmonton as a coterminal point with Calgary, as requested by Airwest's application in Docket 25911.

In support of its requests, Airwest states that the Air Transport Agreement between the United States and Canada names Edmonton as a coterminal with Calgary on the route to Spokane; that, since Airwest holds a certificate authorizing nonstop service between Calgary and Spokane, only it can be granted authority to serve Edmonton on this route; that, since Airwest is already serving Edmonton pursuant to its exemption authority, it would be an undue burden to require it to suspend its service for the period during which the Board is processing its certificate amendment application; that the services it has been providing at Edmonton have been more successful than anticipated, resulting in a monthly profit of \$7,350; and that the show cause procedure is appropriate for awarding the authority requested, especially in view of the lack of objections to the original exemption request and the simple extension of Airwest's existing Spokane-Calgary route involved in this request.

No answers have been filed to Airwest's applications or to its petition.

Upon consideration of Airwest's pleadings and all relevant facts, we have decided (a) to extend the authority granted in Order 74-4-31 until 60 days after Board action on the carrier's certificate amendment application in Docket 25911, and (b) to issue an order to show cause which proposes to grant the requested amendment to Route 76F. We note that no person has objected either to the exemption request or to the petition for an order to show cause. Moreover, the carrier's services to Edmonton pursuant to its exemption authority have provided significant public benefits with revenues in excess of those anticipated and its request for an extension of exemption authority is for a limited time. Accordingly, we find that enforcement of section 401 of the Act, to the extent that it would otherwise prevent the carrier from providing not more than two daily round trips beyond Calgary to Edmonton, Alberta, Canada, on Route 76F, would be an undue burden on the carrier by reason of the limited extent of and unusual circumstances affecting its operations, and is not in the public interest.

In addition, we tentatively find and conclude that the public convenience and necessity require the amendment of Airwest's certificate for Route 76F so as to add Edmonton, Alberta, Canada, as a coterminal point with Calgary on said route. In support of our ultimate conclusion, we make the following tentative findings and conclusions. The new bilateral agreement between the United States and Canada provides for the addition of Edmonton on the Spokane-Calgary route, and Airwest is the only

United States carrier authorized to provide service between Spokane and Calgary. Further, the authority requested involves simply the extension of Airwest's existing Spokane-Calgary route to Edmonton, thus requiring only a limited expenditure of additional resources. Finally, the grant of Airwest's application will permit the carrier to provide improved service to the traveling public,¹ while providing increased revenue for Airwest,² without an adverse impact on any other carrier.³ The authority will be subsidy-ineligible.

Interested persons will be given twenty days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail what he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. Hughes Airwest, be and it hereby is temporarily exempted from the provisions of section 401 of the Act, insofar as they would otherwise prevent Airwest from providing not more than two daily round trips beyond Calgary to Edmonton, Alberta, Canada, on Route 76F;

2. The portion of the flights between Calgary and Edmonton shall be ineligible for subsidy;

3. The authority granted in 1 above shall be effective on the service date of this order, and shall continue in effect until 60 days after final Board decision in Docket 25911;

4. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending Hughes Airwest's certificate of public convenience and necessity

¹ Data submitted by Airwest indicates that during June, July, August, and the first 14 days of September, it transported 7,438 passengers on its Edmonton services, or approximately 70 passengers per day. This level of traffic exceeded the expectations of the carrier by a substantial margin.

² The carrier indicates that the services provided during the month of June, the first full month of operations, produced a profit of \$7,350 after allowance for full economic return. This result is to be contrasted with earlier forecasts of an economic loss for the first year of operations.

³ We further tentatively find that Airwest is a citizen of the United States within the meaning of the Act and is fit, willing and able properly to perform the transportation pursuant to the amended certificate proposed and to conform to the provisions of the Act and the Board's rules, regulations and requirements thereunder. We also tentatively find that the proposed new authority should be granted on a subsidy-ineligible basis.

for Route 76F (United States-Canada route) so as to add Edmonton, Alberta, Canada, as a coterminal point thereto;

5. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons listed in paragraph 8 below a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

6. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

7. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

8. A copy of this order shall be served on Hughes Airwest; Northwest Airlines; Western Air Lines; Mayor, City of Spokane; and Governor, State of Washington; and

9. The exemption authorized herein may be amended or revoked at any time in the discretion of the Board without hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 74-25654 Filed 11-1-74; 8:45 am]

[Order 74-10-140; Docket 25280]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority October 29, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates, and was adopted pursuant to unopposed notices to the carriers and promulgated in an IATA letter dated October 16, 1974.

⁴ All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained.

Specific commodity item No.:

Specific commodity item No.	Description and rate
9009-----	Imitation jewelry, fancy novelties, personal ornaments—excluding cloth, wearing apparel, textile articles, watches and clocks; 333 cents per kilogram, minimum weight 100 kg; 249 cents per kilogram, minimum weight 500 kg; from Johannesburg to New York/Montreal.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 24726 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications, provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-25656 Filed 11-1-74;8:45 am]

[Order 74-10-139; Docket 26494]

INTERNATIONAL AIR TRANSPORT
ASSOCIATION

Passenger Fare Matters

Issued under delegated authority October 29, 1974.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at the Composite Passenger Traffic Conference in San Diego during September 1974.

By Order 74-8-117, August 29, 1974, the Board disapproved an IATA agreement proposing increases in U.S. west coast-Mexico fares. Agreement C.A.B. 24680 now before us would re-establish the affected fares at the levels specified prior to conclusion of the disapproved agreement.

Agreement C.A.B. 24682 would amend existing IATA resolution 014g (Special

Construction Rule South West Pacific—TC1), which permits combination of certain TC3 (Asia/Australasia) and JT31 (Transpacific) promotional fares, to prohibit use of the constructed fares in reduced fare concessions for travel agents. The amendments would also prohibit absorption of passenger expenses en route, but would allow application of children's discounts. Resolution 014g, which has

been approved by the Board, has no direct application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the following resolutions which are incorporated in the agreements indicated are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24680:			
R-1-----	051	(Expedited) Special Fares Adjustment Resolution (New)-----	1
R-2-----	061	(Expedited) Special Fares Adjustment Resolution (New)-----	1
R-3-----	070aa	(Expedited) Special Fares Adjustment Resolution (New)-----	1
R-4-----	084ee	(Expedited) Special Fares Adjustment Resolution (New)-----	1
24682-----	014g	Special Construction Rule South West Pacific—TC1 (Amending)-----	3/1

Accordingly, it is ordered, That:

Agreements C.A.B. 24680, R-1 through R-4, and C.A.B. 24682 be and hereby are approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics

Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-25655 Filed 11-1-74;8:45 am]

CIVIL SERVICE COMMISSION

POLICEMAN, HINES, ILLINOIS

Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11721, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

Occupational Coverage. GS-083 Policeman.

Geographic Coverage. Hines, Illinois.

Effective Date. First day of the first pay period beginning on or after November 10, 1974.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-4-----	\$8,355	\$8,608	\$8,861	\$9,114	\$9,367	\$9,620	\$9,873	\$10,126	\$10,379	\$10,632
GS-5-----	9,066	9,349	9,632	9,915	10,198	10,481	10,764	11,047	11,330	11,613

Under provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty, under 5 U.S.C. 5723, of new appointees to positions cited.

[SEAL]

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.74-25482 Filed 11-1-74;8:45 am]

COMMISSION ON CIVIL RIGHTS
OHIO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting to the Ohio State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on November 23, 1974, at the Academy for

Contemporary Problems, 1501 Neil Avenue, Columbus, Ohio 43201.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be to begin planning for the release of the Ohio prison report.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., October 29, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc. 74-25576 Filed 11-1-74; 8:45 am]

VIRGINIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Virginia State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on December 2, 1974, at the John Marshall Hotel, Fifth and Franklin Streets, Richmond, Virginia 23220.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting shall be to discuss activities to be undertaken by the Virginia SAC during the remainder of FY 1975.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., October 29, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc. 74-25577 Filed 11-1-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[289-4; OPP-32000/136]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, S.W., Washington, D.C. 20460.

On or before January 3, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for

such use of the data, must notify the Administrator and the applicant named in the notice in the Federal Register of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, S.W., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired (January 3, 1974). If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 3, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 1029-REN. Aldex Corp., 1024 N. 17th St., Omaha NE 68102. COPPEX EMULSIFIABLE LIQUID COPPER FUNGICIDE. Active Ingredients: Copper salts of fatty and rosin acids 48%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8773-RG. American Fertilizer & Chem. Co., PO Box 98, Henderson CO 80640. AQUA KLEER WEED KILLER FOR SUBMERGED WEEDS. Active Ingredients: Xylene 98.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10932-I. Aqua-Serv Engineers, Inc., 2431 E. 56th St., Los Angeles CA 90058. A-109 MICROBICIDE. Active Ingredients: Sodium dichloro-s-triazine-trione dihydrate 34%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5185-ETT. Bio-Lab, Inc., PO Box 1439, Decatur GA 30031. BIO-KLEEN LBC-101. Active Ingredients: Hydrogen Chloride 7.20%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.50%; Essential oils 0.25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10806-GO. Contact Industries, Inc., 850 S. Oyster Bay Rd., Hicksville NY 11801. CONTACT POWER ROACH KILLER SPRAY. Active Ingredients: Silica Gel 4.5%; Pyrethrins 0.1%; Technical Piperonyl Butoxide 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34382-E. Dial Chemical Corp., PO Box 14347, Orlando FL 32807. SUPER DI-ALL ADVACIDE 340-A. Active Ingredients: Bis (Tri-n-butyltin) Oxide 25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 14800-I. Echol Chemical Formulators, Inc., PO Box 1765, Lakeland FL 33802. MICRONIZED DUSTING SULPHUR. Active Ingredients: Sulphur 93%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 14800-2. Echol Chemical Formulators, Inc., P.O. Box 1765, Lakeland,

FL 33802. MICRONIZED COPPER SULPHUR. Active Ingredients: Sulphur 85.0%; Copper 4.6%. Method of Support: Application proceeds under 2(c) of interim policy. EPA Reg. No. 279-1392. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. KOLODUST 50 THIODAN 3 DUST. Active Ingredients: Endosulfan (Hexachlorohexahydromethano-2,4,3-benzodioxathiepin oxide) 3.3%; Sulphur 42.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8764-GA. FMC Corp., Citrus Machinery Div., PO Box 552, Riverside CA 92502. HYPO-CLOR 16. Active Ingredients: Sodium hypochlorite 12.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2124-778. W. R. Grace & Co., Agricultural Chem., PO Box 277, Memphis TN 38101. NACO DIAZINON 5 DUST. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9573-R. Harbor Chemical & Engr. Corp., 100 W. Monroe St., Ste. 706, Chicago IL 60603. HARBO CT 85 POWDER. Active Ingredients: Disodium Phosphate 79%; Sodium Bisulphite 8%; Sodium pentachlorophenate 3.95%; Sodium salts of other chlorophenols 0.55%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34130-E. Leahchem Industries, Inc., PO Box 5504, Titusville FL 32780. LEACHEM'S KILLTEX -G-3. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide. Technical 1.0%; Petroleum distillate 0.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34130-R. Leahchem Industries, Inc., PO Box 5504, Titusville FL 32780. LEACHEM'S KILLTEX -G-1 CONCENTRATED FLY & INSECT SPRAY. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide. Technical 0.5%; Petroleum Distillate 99.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 802-LEL. The Chas. H. Lilly Co., 109 S.E. Alder, Portland OR 97214. MILLER'S TOMATO BLOSSOM SET. Active Ingredients: Parachlorophenoxyacetic Acid 0.0050%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34871-R. C. E. McMurdo Co., PO Box 11081, Portland OR 97211. CEMCO-CIDE. Active Ingredients: Orthophenylphenol, Sodium Salt 23%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34856-R. Monroe Chemical Co., Inc., 36 Draffin Rd. PO Box 810, Hilton NY 14468. THE ENFORCER A BACTERICIDE AND FUNGICIDE. Active Ingredients: Hexahydro-1,3,5-tris (2-hydroxyethyl)-s-triazine 39.2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 359-ATI. Rhodia Inc., Chipman Div., 23 Belmont Dr., Somerset NJ 08873. RONSTAR. Active Ingredients: 2-tert-butyl-4-(2,4-dichloro-5-isopropoxyphenyl)-Δ-1,3,4-oxadiazolin-5-one 24.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34900-R. Universal Chemical Products, 1935 S. Main St., Suite 407, Salt Lake City UT 84115. BUG OUT GRAIN FUMIGANT. Active Ingredients: Carbon Tetrachloride 78.2%; Carbon Disulfide 19.5%; Petroleum Ether 1.2%; Sulfur Dioxide 1.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7923-U. Webfoot Fertilizer Co., Inc., 201 S.E. Washington St., Portland

NOTICES

OR 97214. WEBFOOT BRAND MOSS KILLER & LAWN FOOD 6-0-0. Active Ingredients: Ferrous Sulphate 65.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 20954-E. Zeecon Corp., 975 California Ave., Palo Alto CA 94304. ALTOSID CP-10 (CATTLE PREMIX 10%). Active Ingredients: [Isopropyl (E,E)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

Dated: October 25, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc. 74-25564 Filed 11-1-74; 8:45 am]

FEDERAL MARITIME COMMISSION CONTINENTAL/U.S. GULF FREIGHT ASSOCIATION Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 14, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

EXTENSION OF AGREEMENT

Notice of Agreement Filed by:
Howard A. Levy, Esquire
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 9988-4, among the members of the above-named rate agreement, extends the effective period of the Agreement's inland European authority for an unlimited period or for such period as the Commission may deem appropriate.

Dated: October 30, 1974.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 74-25564 Filed 11-1-74; 8:45 am]

[Docket No. 74-48]

COPPER DEVELOPMENT ASSOCIATION INC. AND NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE, ET AL.

Filing of Complaint

OCTOBER 29, 1974.

Notice is hereby given that a complaint filed by the Copper Development Association, Inc. against the North Atlantic Continental Freight Conference, the North Atlantic United Kingdom Freight Conference and the North Atlantic French Atlantic Freight Conference and their members, alleging violation by respondents of sections 16, 17 and 18(b) (5) of the Shipping Act, 1916 in connection with assessment of rates for the transport of copper was served October 29, 1974.

Hearing in this proceeding shall commence on or before May 4, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 74-25562 Filed 11-1-74; 8:45 am]

K. C. AIR FREIGHT SERVICE Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Kenneth M. Coak d/b/a K. C. Air Freight Service, 863 Malcolm Road, Burlingame, California 94010.

Trygve H. Bernhardsen d/b/a Norse Shipping Service Company, 160 Broadway, New York, New York 10038.

Janel International Forwarding Co., Inc., c/o Harold Sacks, Esq., 19 West 44th Street, Room 1509, New York, New York 10036.

Janel International Forwarding Co., Inc., Officers: James N. Jannello, President; Joseph F. Ryan, Vice President; Karl H. Roessner, Secretary/Treasurer.

Dated: October 30, 1974.

By the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 74-25563 Filed 11-1-74; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI74-196]

AMOCO PRODUCTION CO.

Order Setting Date for Hearing

OCTOBER 24, 1974.

On March 29, 1974, Amoco Production Company (Amoco) filed a petition for special relief seeking a rate increase in excess of the applicable area ceiling set in Opinion No. 586, Area Rate Proceeding, et al., Hugoton-Anadarko Area, Docket No. AR64-1, et al. By order issued August 12, 1974, the application was dismissed and interventions were granted to Mobil Oil Corporation (Mobil), Phillips Petroleum Company (Phillips), City of Norwich, Kansas, Public Service Company, Inc., Union Gas Systems, Inc., Midwest Industrial and Commercial Gas Users Association and Armco Steel Corporation, Missouri Public Service Company, Cities Service Gas Company (Cities), City Group Gas Defense Association, and Gas Service Company. The State Corporation Commission of the State of Kansas filed a notice of intervention.

Following the issuance of our August 12, 1974, order dismissing the application, petitions for rehearing or motions in support thereof were submitted by Amoco and intervenors Cities, Gas Service Company, Union Gas Systems, Inc., Midwest Gas Users Association, and the State Corporation Commission of Kansas. On October 4, 1974, we issued an order that granted the applications for rehearing for the purposes of further consideration. After such consideration we have determined to rescind our prior order dismissing the application, and to set this matter for hearing for the reasons expressed below. A proper understanding of the basis for our decision in this proceeding requires that we reiterate the factual predicate of the Amoco petition as first expressed in our order of August 12, 1974.

Amoco entered into a March 1, 1974, agreement amending its base June 23, 1950, contract with Cities Service Gas Company (Cities) for gas sold from the Hugoton Field, Kansas, pursuant to Amoco's FPC Gas Rate Schedule No. 84. Under the agreement the rate for gas produced from the Panoma-Council Grove Field would be increased from 18.50325 to 38.50325 cents per Mcf and gas from all other formations would be sold at a base rate of 33.5 cents per Mcf instead of the currently effective base rate of 13.5 cents per Mcf. Amoco will realize approximately \$23 million in annual additional revenue should the rate increases be permitted.

In consideration for the rate increases Amoco entered into an Exploration and Development Agreement dated March 1, 1974, with Cities. This agreement provides that a portion of the additional revenue from the rate increase will be used to accelerate Amoco's drilling program in the Council Grove Formation

of the Hugoton Field. Additionally, part will be expended in the exploration of over one million acres of land in the State of Wyoming presently under lease to Amoco. Amoco avers that the Wyoming acreage is expected to produce an estimated 2 trillion cubic feet of gas for the Cities system from new wells.

The March 1, 1974, agreement commits Amoco to spend \$8 million for exploration in Wyoming during 1974 regardless of Commission action, and certain additional sums in 1975 and 1976 provided the Commission approves the Hugoton rate increase. The initial price of the gas to be sold to Cities in Wyoming is the higher of the best price obtainable at the time of purchase in the area, or 50 cents per Mcf.

The essence of the Amoco proposal is that a certain portion of the requested rate increases for flowing gas from the Hugoton Field paid by Cities will be used to develop acreage in the State of Wyoming already leased by Amoco. Provided certain conditions set forth in the March 1, 1974 agreement are met, the Wyoming gas will be sold to Cities pursuant to the terms set forth previously. Nowhere in the original application nor the material submitted by Amoco in support thereof is there any assurance by it that gas produced as a result of the expenditure of funds provided by the interstate consumers of Cities will be sold in interstate commerce. Additionally, it will be necessary for Amoco, in order to demonstrate that its application is in the public interest, to show by convincing evidence exactly what the relationship is or will be between the Cities consumers who are supplying the funds for the Wyoming exploration program and the benefits to be derived by those consumers from the money thus expended.

To the extent that the customers of Cities Service would be providing the financing for a prospective exploration and development program, the Amoco proposal resembles earlier applications filed before this Commission by Panhandle Eastern Pipe Line Company and Pan Eastern Exploration Company in Docket Nos. CP71-237 and CI71-714,¹ Natural Gas Pipeline Company of America in Docket No. RP73-63,² and by Colorado Interstate Gas Company and CIG Exploration, Inc. in Docket Nos. CP73-184 and CI73-485.³ Because of the similarities between these pipeline production cases and the Amoco application, in the instant proceeding Amoco should be prepared to demonstrate either its willingness to abide by the requirements set forth by

this Commission in those earlier cases, where applicable, or, by clear and convincing proof, show how the circumstances in this particular case differ sufficiently from those in the pipeline production cases so to warrant a deviation by the Commission from established policy.

In this regard, specific attention should be paid by the proponents of the Amoco application to the fact that the Commission will judge the instant proposal in its entirety. Contrary to the assertion of Amoco, it is difficult to sever consideration of the Hugoton flowing gas rate increase and development program from an examination of the proposal for the exploration of the Wyoming acreage and the commitment of the gas produced therefrom. Therefore, it is incumbent upon the applicant to express in detail the costs of both the further development of the Council Grove Formation and of the Wyoming exploration and development.⁴

Another of the primary considerations in the analysis of the Amoco application is the price at which both the Hugoton and Wyoming gas will be sold. The Amoco proposal with regard to the Hugoton flowing gas rate increase postulates rates of 33.5 and 38.50325 cents per Mcf until such time as the Commission issues its decision in Docket No. R-478, Nationwide Rulemaking To Establish Just And Reasonable Rates For Natural Gas Produced From Wells Commenced Before January 1, 1973. On September 12, 1974, in that docket, was issued a Notice Issuing Staff Rate Recommendation And Prescribing Procedures which proposed a rate of 24.5 cents per Mcf as the just and reasonable rate that would apply in the instant proceeding. Admittedly this proposal by our staff is not a final Commission determination. Nevertheless, Amoco should be prepared at the hearing to prove that its proposed rates are just and reasonable in the circumstances presented and more in the overall public interest than the 24.5 cents per Mcf figure, with specific reference to the potential impact of the rate proposed upon Cities' customers.

With respect to the production, if any, from the Wyoming program, the March 1, 1974 agreement states that Cities will pay either 50 cents per Mcf or the highest price then being paid in the area, whichever is higher. Since, as we have previously stated, the Amoco application will be considered in its entirety, a more definite understanding of the price to be paid by Cities for the Wyoming gas is necessary for us to judge whether or not the Amoco program is in the public interest. In this regard, Amoco should be aware prior to making its presentation that, in the absence of clear and convincing proof to the contrary, the Commission considers that the Wyoming pro-

duction will be sold in the interstate market at the price determined pursuant to the provisions of Opinion No. 699,⁵ as such may be modified in the future.

The deficiencies of information in the material submitted thus far as outlined above with regard to cost data, the commitment of the gas from the Wyoming program, the impact of the rate increases on the Cities' customers, the disposition by Amoco of the funds derived from those rate increases, and the exact amount of both the rate increases and the price for the new gas production in Wyoming require that this application be set for hearing to provide a forum within which Amoco and all parties may present evidence on these issues and on any other matters considered by them to be relevant to this proceeding. A further reason for our decision to set this case for hearing is the uniqueness of the Amoco proposal, which is to use part of a rate increase in one area to explore for and develop reserves in another area. We hope that the parties will address themselves to this point and that there will be testimony and evidence presented as to whether or not such a proposal as Amoco has made is in the overall public interest.

All the interventions granted by the Commission in its August 12, 1974 order are considered to be still in full force and effect.

The Commission finds: It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 1), Docket No. RI74-196 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on December 10, 1974, 10:00 a.m. (e.s.t.) in a hearing room of the Federal Power Commission,

⁵ Opinion And Order Prescribing Uniform National Rate For Sales Of Natural Gas Produced From Wells Commenced On Or After January 1, 1973, And New Deductions Of Natural Gas To Interstate Commerce On Or After January 1, 1973, Opinion No. 699, Docket No. R-389-B, — FPC — (issued June 21, 1974), as amended, Opinion No. 699-A, — FPC — (issued August 2, 1974), rehearing granted, — FPC — (issued August 2, 1974), Opinion And Order On Rehearing Reinstating And Amending The Emergency Sales Provisions Of Section 157.29 (18 CFR § 157.29) And The Limited Term Certificate Authority Of Section 2.70(b)(3) (18 CFR § 2.70(b)(3)) And Reserving Decision On The Merits Of All Other Issues Raised By Petitions For Rehearing Of Opinion No. 699 For Further Consideration, Opinion No. 699-B, Docket No. R-389-B, — FPC — (issued September 9, 1974), as amended, Declaratory Order On Petition For Clarification Of Opinion And Order On Rehearing, Opinion No. 699-C, — FPC — (issued September 26, 1974), as amended, Declaratory Order On Petition For Clarification, Opinion No. 699-D, — FPC — (issued October 9, 1974).

¹ Opinion No. 626, 48 FPC 518 (issued September 20, 1972), rehearing denied, Opinion No. 626-A, 48 FPC 1192 (issued November 17, 1972).

² Order Adopting Settlement Proposal, Authorizing Sale Of Gas At Applicable Area Rates, Authorizing Amendments Of Purchase Gas Adjustment Clause, and Terminating Proceedings, 50 FPC 363 (issued August 3, 1973).

³ Order Approving Settlement Proposal, Authorizing Sales Of Natural Gas At Applicable Area Rates, And Terminating Proceedings, 50 FPC — (issued January 7, 1974).

⁴ See George Mitchell & Assoc., Docket No. RI73-60, Opinion No. 649, 49 FPC 424, Opinion No. 649-A, 49 FPC 1434, rev'd sub nom., MacDonald v. F.P.C., — F. 2d —, No. 73-1715 (D.C. Cir. September 19, 1974). The time for filing a petition for certiorari has not yet expired.

825 North Capitol Street, NE, Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR § 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Amoco and any intervenor supporting the application shall file their direct testimony and evidence on or before November 12, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff, and any intervenor opposing the application, shall file their direct testimony and evidence on or before November 26, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before December 3, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all parties to the proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25634 Filed 11-1-74;8:45 am]

[Docket No. CP74-329]

ATLANTA GAS LIGHT CO. AND SOUTHERN NATURAL GAS CO.

Notice of Advancement of Hearing Date

OCTOBER 29, 1974.

On October 23, 1974, Atlanta Gas Light Company and Columbia Nitrogen Corporation filed a motion for advancement of the hearing date fixed by Order Issued September 23, 1974, in the above-designated matter. The motion states that none of the parties oppose the change.

Upon consideration, notice is hereby given that the hearing date is rescheduled for November 4, 1974, at 10 a.m., e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25619 Filed 11-1-74;8:45 am]

[Docket No. E-9037]

BOSTON EDISON CO.

Notice of Rate Schedule Filing

OCTOBER 25, 1974.

Take notice that on September 3, 1974, the Boston Edison Company (Edison) tendered for filing its proposed initial rate schedule for subtransmission service to the New England Power Company (NEPCO) on Edison's existing 14/24 kv subtransmission facilities which connect NEPCO's Quincy-Weymouth Service Area with Edison's higher voltage power supply transmission facilities.

Subtransmission service for NEPCO is scheduled to commence on November 1, 1974, and accordingly, that date is the

proposed effective date of the tendered rate schedule.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice, should on or before November 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to any proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The documents referred to herein are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-25632 Filed 11-1-74;8:45 am]

[Docket No. E-8810]

BOSTON EDISON CO.

Notice of Further Extension of Procedural Dates

OCTOBER 29, 1974.

On October 21, 1974, Boston Edison Company filed a motion to extend the procedural dates fixed by order issued June 21, 1974, as modified by notice issued September 9, 1974, in the above-designated matter. The motion states that the other parties concur.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company's Rebuttal testimony, November 19, 1974.
Hearing, November 25, 1974 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25628 Filed 11-1-74;8:45 am]

[Docket No. CP75-121]

CITIES SERVICE GAS CO.

Notice of Application

OCTOBER 29, 1974.

Take notice that on October 16, 1974, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP75-121 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of pipeline, measuring, regulating and appurtenant facilities and the sale of natural gas to the Mulhall Natural Gas Company for resale in and about the city of Mulhall, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that this sale commenced in 1931 to Mulhall Gas Company for resale in and about the city of Mulhall, Oklahoma. Mulhall Gas Company

has now sold its natural gas distribution system interests in Mulhall, Oklahoma, to Mulhall Natural Gas Company, which will operate the local distribution system.

The application states that Mulhall, Oklahoma, is a community with a population of 250, located on Applicant's Oklahoma City 20-inch pipeline in Logan County, Oklahoma. Applicant requests authorization to continue the sale of natural gas to the Mulhall Natural Gas Company for distribution in and about the city of Mulhall under Applicant's FPC Rate Schedules F-1, C-1 and I-1. Applicant states further that the original cost of the facilities to it was \$1,850.94 and that no new facilities are required for such sale. The application states that no new sales are proposed through these facilities and their continued operation will not materially affect Applicant's overall system operation.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25625 Filed 11-1-74;8:45 am]

[Docket No. RP75-8]

COMMERCIAL PIPELINE COMPANY, INC.

Notice of PGA Filing

OCTOBER 29, 1974.

Take notice that on October 15, 1974 Commercial Pipeline Company, Inc.

(Commercial) tendered for filing Revised Sheet No. 3A reflecting a current adjustment of 1.37¢ per Mcf and a cumulative adjustment of 1.37¢ per Mcf. Commercial states that this revision was prepared as quickly as possible after filing Revised Sheet No. 7A requiring tariff changes under PGA clause to be filed 45 days prior to the effective date of such changes. Commercial requests waiver of said waiting period as they assert this would eliminate irreparable harm caused by such delay in cost recovery. Commercial requests the earliest possible effective date.

Any person desiring to be heard or to protests said filing should file a petition to intervene or protest with the Federal Power Commission, 824 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 6, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25633 Filed 11-1-74;8:45 am]

[Docket No. E-9065]

CONNECTICUT LIGHT & POWER CO.
Notice of Amendment To Purchase Agreement

OCTOBER 29, 1974.

Take notice that on October 17, 1974, the Connecticut Light and Power Com-

pany (CL&P) tendered for filing an amendment to the Northfield Mountain Purchase Agreement (Agreement) dated October 1, 1971. The Agreement is between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Montaup Electric Company. The amendment changes the Purchaser's Entitlement Percentage from 2.4 percent to 3.34 percent for the month of October. CL&P states that the previously filed Agreement is unchanged in all other respects.

CL&P states that the purpose of the change is to permit the Purchaser of service under the Agreement to increase the Purchaser's overall entitlement in the Northfield Project during the month of October from 24,000 kilowatts to 33,400 kilowatts.

Certificates of concurrence by HELCO and WMECO were attached to this filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25631 Filed 11-1-74;8:45 am]

[Docket No. RI75-46]

EXXON CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject To Refund

OCTOBER 23, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI75-46	Exxon Corp.	357	41	Columbia Gas Transmission Corp. (Garden City et al. Fields, Vermillion et al. Parishes, Southern and offshore Louisiana).	\$5,765,828 562,614	9-23-74 9-23-74	----- -----	11-28-74 11-23-74	1 25.375 1 21.202	1 27.3766 1 23.0203	

*Pressure base is 15.025 lb/in².

† Applicable to acreage subject to Louisiana taxing jurisdiction.

‡ Applicable to acreage in Federal domain.

§ Weighted average price inclusive of price adjustment factors allegedly pursuant to Sept. 19, 1972, amendment.

NOTICES

While Exxon's proposed rates do not exceed the applicable just and reasonable ceiling established in Opinion No. 598 on a weighted average basis, there is a question presented here as to whether Exxon is entitled contractually under the September 19, 1972 amendment to its basic contract to file for the proposed rates. Accordingly, we shall suspend Exxon's filing for one day from the date it would otherwise become effective under Opinion No. 598 pending resolution of the contract issue.

[FR Doc.74-25552 Filed 11-1-74;8:45 am]

[Docket No. CP66-110, et al.]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Petition To Amend

OCTOBER 29, 1974.

Take notice that on September 30, 1974, Great Lakes Gas Transmission Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP66-110, et al., a petition to amend the orders issued in said dockets pursuant to section 3 of the Natural Gas Act by authorizing Petitioner to pay to TransCanada PipeLines Limited (TransCanada) \$1.00 per Mcf of gas imported from Canada at a point near Emerson, Manitoba, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

Petitioner states that its sole source of gas supply is that gas it is authorized to import from Canada, which it purchases from TransCanada, and that, as a result of the policy announced by the Canadian government on September 19, 1974, the price of said gas will increase to \$1.00 per Mcf, effective January 1, 1975, or, in the alternative, deliveries of said gas will cease two years after January 1, 1975, if United States importers were to exercise an option to continue to import under existing pricing conditions. Petitioner asserts that the offered option is not a viable alternative and that if the \$1.00 per Mcf price is not authorized by the Commission the supply of gas thus lost will result in the cutting off of supplies to numerous communities and consumers, with catastrophic consequences.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing there-

¹ If there were no contractual issue, the filing would become effective as of November 27, 1974, sixty five days from the date of filing.

in must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25629 Filed 11-1-74;8:45 am]

[Docket No. E-9063]

MISSOURI POWER AND LIGHT CO.

Notice of Application for Rate Increase

OCTOBER 29, 1974.

Take notice that on October 15, 1974 Missouri Power and Light Company (Missouri) tendered for filing its proposed Municipal Electric Service Wholesale Rate (designated as MESWR). The proposed effective date is as soon as possible after August 20, 1974, and is intended to supersede FPC Electric Service Tariff No. 35.

It is Missouri's intent to apply the proposed MESWR tariff to its municipal customers when their current contracts expire. The City of Centralia, Missouri has approved of the aforementioned new rate in a contract dated August 20, 1974.

Missouri states that FPC Rate No. 49, under which it purchases approximately 90 percent of its power requirements, was changed substantially in regard to both price and rate design as a result of the decision rendered in Docket No. E-8215. The proposed MESWR rate is intended, in part, to reflect those changes. Missouri summarizes the most significant provisions of the proposed MESWR rate as follows:

(1) Demand charge (80 percent ratchet), \$2.50 per Kva.

(2) Energy charge (Fuel adjustment, 56 cents per M/Btu), \$.00879.

(a) 1 cent (\$.01) for actual Kwh usage to 300,000 Kwh or the first 100 Kwh per Kva billing demand, whichever is greater.

(b) .85 cents (\$.0085) for additional Kwh usage.

The proposed changes would increase revenues from Centralia, Missouri sales and service by \$35,263 based on the 12-month period ending August 31, 1973.

Copies of this filing have been served upon the City of Centralia, Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25622 Filed 11-1-74;8:45 am]

[Docket No. E-8586 and E-8587]

PUBLIC SERVICE COMPANY OF INDIANA INC.

Notice of Extension of Time

OCTOBER 29, 1974.

On October 23, 1974, Public Service Company of Indiana, Inc., filed a motion for extension of time in which to serve their rebuttal testimony as fixed by notice issued August 16, 1974, in the above-designated matter. The motion states that all parties have been notified and have no objections.

Upon consideration, notice is hereby given that the date for filing the rebuttal testimony is extended to and including November 4, 1974. The hearing date will remain as scheduled, November 6, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25620 Filed 11-1-74;8:45 am]

[Docket No. E-9073]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Notice of Filing of Rate Change and Petition for Waiver of Notice Requirement

OCTOBER 29, 1974.

Take notice that on October 21, 1974 Public Service Company of New Mexico (PNM) tendered for filing a proposed change to its FPC Transmission Rate Schedule No. 8, Supplement 1, under which service is supplied to Western Colorado Power Company (WCP). PNM states that the proposed changes would increase revenues from jurisdictional services by \$11,640 over a 12 month period.

PNM alleges that the proposed increase in revenues is necessary to reflect changes in the income tax rates and the method of their application as well as changes in PNM's fixed charge rate. PNM further states that inasmuch as the parties have agreed to an effective date of May 1, 1974, and no other purchaser would be affected thereby, it requests a waiver of the notice requirements of § 35.11, FPC regulations.

Copies of this filing have been mailed to WCP and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this

filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25630 Filed 11-1-74;8:45 am]

[Docket No. E-8492; Project No. 1835]

SIERRA CLUB AND NEBRASKA PUBLIC POWER DISTRICT

Order to Cease and Desist Construction, To Show Cause, and Consolidating Proceedings

OCTOBER 25, 1974.

(1) On November 5, 1973, the Sierra Club filed a complaint pursuant to section 306 of the Federal Power Act alleging that the construction of the Gerald Gentleman steam electric generating plant and associated facilities within the project boundary for North Platte-Sutherland Project No. 1835 was "a violation of the Federal Power Act and this Commission's orders and regulations in the absence of an amendment to the license for Project No. 1835." Sierra Club further requested that the Commission issue an order directing Nebraska Public Power District (NPPD) to show cause why it should not be ordered to cease and desist construction pending action by the Commission on an application for amendment to license.

(2) On December 21, 1973, NPPD filed an answer to the complaint denying that construction of the steam electric generating plant was a violation of the license for Project No. 1835. Licensee also stated that the water needed to cool the plant was obtained pursuant to new appropriations acquired under state law and alleged that these new appropriations were vested under section 27 of the Federal Power Act.

(3) While this complaint and answer were being filed, NPPD filed an Application for Approval of Non-Project Uses of Project Lands and Waters and A Revised Project Boundary on November 21, 1973. NPPD requested approval of revised exhibits for Project No. 1835 consisting of the following: (1) Exhibit K, Sheet 44, showing the recent relocation of a 115 kv transmission line and a proposed revision of the project boundary to exclude land needed for the steam electric generating plant; and (2) Exhibit K, Sheet 45, showing the location of the steam electric generating facilities, including those facilities to be used to provide cooling water from the Sutherland Reservoir, and a recently constructed 400-foot meteorology tower. The applicant further requested "any other approval as may be required to permit use of Project No. 1835 for non-project uses described in this application."

(4) On December 21, 1973, before public notice was given, the Sierra Club filed a timely petition to intervene in the matter of NPPD's application. Sierra Club's petition incorporated by reference their November 5, 1973, complaint, raised factual and legal environmental issues related to the National Environmental Policy Act, the Federal Power Act, and the provisions of the license

for Project No. 1835, and requested consolidation of the application and the complaint proceedings.

(5) The answer of NPPD filed on January 7, 1974, denied that the Sierra Club had an interest in intervening or would be aggrieved by any order issued in the application proceeding and restated arguments set out in their answer to the Sierra Club's complaint. With these exceptions NPPD stated it did not oppose consolidation of the two proceedings.

(6) By order issued April 23, 1974, we granted the intervention of the Sierra Club in the application proceeding.

(7) On March 28, 1974, the Sierra Club filed an "Emergency Motion for Immediate Issuance Of Order to Cease And Desist Construction Pending Review By the Commission." In its motion the Sierra Club restated arguments contained in its earlier filings. These arguments are here set out in detail.

Article 6 of the license for this project states:

Before starting the construction of any works related to the project, whether included in the license or not, the Licensee should file an application for amendment of license to include such works therein, and the Licensee shall not start the construction of any such works until the Commission shall have approved the plans therefor and shall have authorized the amendment of license.

Sierra Club contends that the steam electric generating facilities are "works related to the project" since they will be built within the project boundary, will utilize project water, and will involve common transmission lines.

The Sierra Club further alleges that § 5.1 of the Commission's rules of practice and procedure requires an application for amendment of license and, therefore, compliance with the preliminary environmental review criteria of § 2.81(a) of the Commission's rules of practice and procedure.

Finally, the Sierra Club states that the Commission has the "authority and duty to regulate licensees in the interest of protecting the recreational benefits which exist in connection with existing hydroelectric facilities."

On the basis of the above-noted recitals, Sierra Club requested that the Commission enter an order directing NPPD to cease and desist construction of the Gerald Gentleman steam electric generating plant pending our review of this matter.

(8) On April 16, 1974, NPPD filed its answer to the Sierra Club's motion along with a motion for leave to file the answer out of time.

In its answer NPPD alleges that Article 6 of the license only applies to "project works." Since the Commission lacks jurisdiction to license steam electric generating facilities, Article 6 is inapplicable to the construction of these facilities.

NPPD further asserts that they have the right to make minor changes in or divergence from the approved maps, plans, specifications and statements where these changes will not result "in decrease in efficiency, in material in-

crease in cost, or in impairment of the general scheme of development" without Commission approval under the provisions of Article 4 and to submit revised exhibits reflecting these minor changes for Commission approval.

Based on its interpretation of these articles, NPPD asserts that no amendment of the license is required, that § 5.1 of the Commission's rules of practice and procedure is inapplicable, and that no environmental impact statement is required for approval or disapproval of revised exhibits because such Commission action would not be a major federal action and would have no effect on the quality of the human environment.

Finally, NPPD asserts that the Sierra Club has not made a sufficient showing to warrant issuance of an order enjoining the construction of the Gerald Gentleman steam electric generating plant pending Commission review.

(9) By letter dated April 11, 1974, the Secretary requested that NPPD file revised Exhibit K drawings and an Exhibit W to include heat budget studies of the reservoir. NPPD on May 7, 1974, filed the revised Exhibit K drawings requested but stated that the question of whether an Exhibit W must be filed is now before the Commission for decision.

(10) By letter motion dated August 5, 1974, the Sierra Club requested that the Commission act on the Emergency Motion or the Complaint in Docket No. E-8492 without further delay.

(11) By letter dated August 27, 1974, NPPD stated that the Sierra Club has failed to show that it is entitled to emergency relief and that, since there are no disputed factual issues, the Commission should rule on the disputed legal issues.

Having considered all of the above filings, we believe that the construction of these steam electric generating facilities which affect project lands and waters should be stayed pending further order of the Commission. We are, therefore, issuing an Order to Cease and Desist Construction to preserve Commission jurisdiction over the project. As long ago as October 16, 1972, NPPD was informed that an application to utilize project waters and lands must be filed along with an environmental impact statement. Yet until the Sierra Club filed its complaint on November 5, 1973, no application was filed by NPPD.

We believe such an order is necessary and appropriate within the meaning of Section 309 of the Act, 16 U.S.C. § 825h, to preserve our jurisdiction and carry out our responsibilities under the Federal Power Act and the National Environmental Policy Act of 1969.

These responsibilities are delineated by the license for the project. Article 2 of the license notes that the Sutherland Reservoir is a project work. It appears that in June, 1973, NPPD commenced site preparation work, including water diversion facilities. We believe these water diversion facilities constitute a substantial alteration or addition to a project work within the meaning of Article 4 of the license. The canal and related facilities also appear to be sub-

stantial additions to the Sutherland Reservoir. All substantial alterations or additions require prior Commission approval.

Article 6 of the license for this project has been previously noted. Prior Commission approval of plans for "works related to the project" is required before construction. NPPD alleges that "works related to the project" are the proposed project works noted in the license as distinguished from constructed project works in existence at the time of licensing. While "works related to the project" clearly applies to those proposed project works, it appears to us that this phrase in Article 6 cannot be limited to proposed project works alone. The Order Authorizing Issuance of License (Major), 3 F.P.C. 947, 948 (1943), notes that "the project was constructed without approval by this Commission of any of the plans." Indeed, the high seepage rates of the Sutherland Reservoir noted by both Sierra Club and NPPD are indicative of the lack of effective Commission review of this project before construction. Article 6 was apparently designed to insure that prior approval of unconstructed "works related to the project," not Commission approval of constructed "works related to the project," would be the norm not the exception.

NPPD was on notice that Article 6 may be interpreted as we have interpreted it. In response to a telephone inquiry by NPPD on October 19, 1972, the Chicago Regional Office by letter dated October 20, 1972, quoted Article 6 and noted that "other articles of the license may be applicable."

Article 12 of the license provides that:

The United States specifically retains and safeguards * * * the right to require operation by the licensee of the project works of this project, so far as such operation involves the use, storage, and discharge from storage of waters affected by this license, under such regulations * * * as the Federal Power Commission may prescribe for the protection of life, health, and property and in the interests of the fullest practicable conservation and utilization of such waters for power purposes, for irrigation and for other beneficial public uses, including recreational purposes (emphasis added).

It appears NPPD would have us approve their application for revised exhibits and later submit an application for approval of "non-project" uses. We believe the time for effective environmental review of the use of project lands and waters for cooling a steam electric generating plant is before construction. We cannot allow the construction of this facility to continue when NPPD may not be allowed to use project waters to operate and maintain the steam electric generating plant pursuant to Article 12.

We also believe that the construction, operation, and maintenance of the steam electric generating plant and related facilities constitutes an amendment to the license within the meaning of § 5.1 of our rules and regulations, 18 CFR § 5.1 (1974). For this reason, it also appears that compliance with § 2.81 of our rules and regulations is also required.

Therefore, it appears to the Commission that:

(a) The construction of the steam electric generating plant and related facilities within the project boundary is a substantial alteration or addition to a project work within the meaning of Article 4 of the license.

(b) The steam electric generating plant and related facilities are "works relating to the project" requiring prior Commission approval before construction and an application for amendment of license pursuant to Article 6 of the license.

(c) Construction, operation, and maintenance of the steam electric generating plant and related facilities within the project boundary will affect the use of project lands and waters within the meaning of Article 12. NPPD has not submitted data sufficient to show that the use of such project water for cooling purposes will lead to the "fullest practicable conservation and utilization of such water for power purposes, for irrigation and for other beneficial public uses, including recreational purposes" within the meaning of Article 12.

(d) The construction, operation, and maintenance of the steam electric generating plant and related facilities within the project boundary would constitute an amendment to the license within the meaning of § 5.1 of the Commission's rules and regulations, 18 CFR § 5.1 (1974).

(e) The construction, operation, and maintenance of the steam electric generating plant and related facilities requires compliance with § 2.81 of the Commission's Rules and Regulations 18 CFR § 2.81 (1974).

The Commission finds: (1) The construction, operation, and maintenance of steam electric generating facilities affects project lands and waters.

(2) It is appropriate and in the public interest that NPPD cease and desist construction of steam electric generating facilities within the project boundary pending further order of the Commission.

(3) It is appropriate and in the public interest that the proceedings in Project No. 1835 and Docket E-8492 be consolidated.

The Commission orders: (A) NPPD shall cease and desist any construction of steam electric generating facilities within the project boundary pending further order of the Commission.

(B) NPPD shall under oath show cause, if any there be, on or before November 15, 1974, why:

(1) The use of project lands and waters for the construction of the steam electric generating plant and related facilities within the project boundary does not require Commission approval.

(2) Section 2.81 of the Commission's rules and regulations, 18 CFR § 2.81 (1974), does not require the filing of an Exhibit W prepared in accordance with the Commission's rules and regulations.

(C) The proceedings in Project No. 1835 and Docket No. E-8492 are hereby consolidated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.
[FR Doc. 74-25627 Filed 11-1-74; 8:45 am]

[Docket No. RP74-76]

SOUTHERN NATURAL GAS CO.

Order Accepting for Filing and Approving Research and Development Expenditure Clause and Permitting Interventions

OCTOBER 29, 1974.

On March 22, 1974, Southern Natural Gas Company (Southern) tendered for filing tariff sheets containing a proposed Research and Development Expenditure Adjustment Clause to be included in its FPC Gas Tariff, Sixth Revised Volume No. 1.¹ On August 22, 1974, Southern tendered for filing revised sheets to replace the sheets filed on March 22, 1974.² The clause is intended to track increased research and development expenditures on a current basis. Southern proposes that rate changes filed pursuant to this clause will coincide with rate changes filed pursuant to the purchased gas adjustment clause of its FPC Gas Tariff, Order No. 483, issued April 30, 1973, provided that jurisdictional companies may file a clause that provides for tracking of such expenditures.

Notice of the March 22, 1974 filing was issued on April 3, 1974, with protests or petitions to intervene due on or before April 15, 1974. Timely petitions to intervene were filed by Alabama Gas Corporation, Atlanta Gas Light Company, and South Carolina Electric and Gas Company. Notice of the August 22, 1974 filing was issued October 3, 1974, with protests or petitions to intervene due on or before October 15, 1974. No such protests or petitions to intervene have been received.

None of the petitioners requested a hearing with respect to this proposed clause. Atlanta Gas Company (Atlanta Gas), however, recommended certain changes (1) to insure that research and development expenditures chargeable to operations or given rate base treatment are actually incurred; (2) to eliminate working capital associated with this research and development; and (3) to eliminate vagueness with regard to rate of return to be used to determine the rate effect of those expenditures given rate base treatment. We believe that the revised sheets appropriately resolves the problems raised by Atlanta Gas.

Since Southern's March 22, 1974 filing, we have issued several orders approving research and development cost adjustment clauses.³ In Consolidated, we stated "We do, however, reserve the right to reject any proposed R&D rate adjustments which do not meet the Order No. 483 definition of R&D as detailed below, or which track expenditures of the type previously disallowed by the Commission

¹ Original Sheet Nos. 45F, 45G, and 45H.

² Substitute Original Sheet Nos. 45F, 45G, and 45H.

in other cases." We believe that a similar reservation is required with regard to Southern's R&D tracking clause to insure protection of the consumer of natural gas.

Southern has requested an effective date of April 22, 1974 for its proposed tariff sheets. Since Order No. 483 provides that no R&D adjustment provision shall become effective until authorized by the Commission and since Southern's PGA clause provides for rate changes to be filed on January 1 and July 1, we believe that the effective date of these tariff sheets should be the date of issuance of this order. Southern, as a result of this action, will have the opportunity to adjust its rates pursuant to these tariff sheets at the first opportunity for such adjustment, January 1, 1975.

The Commission finds: (1) Good cause exists to accept for filing Southern's proposed R&D adjustment clause, tendered for filing August 22, 1974, and permit it to become effective the date of the issuance of this order: *Provided, however,* That the Commission reserves the right to reject any R&D rate adjustment filings which track expenditures of the type that do not meet the definition of R&D as we set out in the Uniform System of Accounts, Definitions 28.B, or which the Commission has previously disallowed in other cases.

(2) Good cause exists to permit the intervention of the above mentioned petitioners to intervene.

The Commission orders: (A) Southern's proposed tariff sheets, Substitute Original Sheet Nos. 45F, 45G and 45H, are hereby accepted for filing and permitted to become effective on the date of the issuance of this order: *Provided, however,* That the Commission reserves the right to reject any R&D rate adjustment filings which track expenditures of the type that do not meet the definition of R&D as set out in the Uniform System of Accounts, Definition 28.B, or which the Commission has previously disallowed in other cases.

(B) The above mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their respective petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

* Michigan-Wisconsin Pipe Line Company, Docket No. RP73-102, issued June 26, 1974; Tennessee Gas Pipeline Company, Docket No. RP74-73, issued July 9, 1974; Consolidated Gas Supply Corporation, Docket No. RP75-5, issued September 24, 1974.

* See also Michigan-Wisconsin, *supra*, mimeo at 10.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.
[FR Doc.74-25624 Filed 11-1-74; 8:45 am]

[Docket No. E-8514]

SOUTHERN SERVICES, INC.

Order Permitting Late Intervention

OCTOBER 29, 1974.

On October 2, 1974, the Florida Public Service Commission (FPSC) filed a petition to intervene in the above captioned docket. Southern Services, Inc. (Southern) tendered its filing in this docket on November 23, 1973. The filing was notified by the Commission on December 3, 1973, wherein the Commission stated that protests or petitions to intervene should be filed on or before December 19, 1973. In support of its petition to intervene FPSC alleges that the rates and charges sought to be approved by the Federal Power Commission in this proceeding may have an impact upon the rates and charges that Gulf Power Company will seek to collect from its ratepayers in Florida. FPSC further states that it intends to forego the presentation of direct evidence in the above proceedings, and to limit its participation to the cross-examination of witnesses, the making of motions, presentation of arguments, and the filing of briefs. We believe that the public interest requires us to accept the untimely petition for intervention by FPSC in this proceeding and that, in view of their intent to limit their participation in this proceeding, FPSC be permitted to intervene.

The Commission finds: Participation by FPSC in these proceedings may be in the public interest and good cause exists for permitting such intervention.

The Commission orders: (A) The above named petitioner is hereby permitted to intervene in this proceeding as hereinbefore discussed, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in the petition to intervene: *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.
[FR Doc.74-25623 Filed 11-1-74; 8:45 am]

[Docket No. CP73-27]

STINGRAY PIPELINE CO.

Notice of Tariff Filing

OCTOBER 29, 1974.

Take notice that on October 8, 1974, Stingray Pipeline Company (Stingray), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP73-27 a substitute Original Sheet No. 4 to Original Volume No. 1 of its FPC Gas Tariff to become effective on November 15, 1974, or such later time as Stingray commences operations under said tariff.

Stingray states that Original Sheet No. 4 contains the rate for transportation service under Rate Schedule T-1, pursuant to an agreement among Stingray, Natural Gas Pipeline Company of America and Trunkline Gas Company, and Rate Schedule T-2, pursuant to an agreement between Stingray and United Gas Pipe Line Company. Stingray states that the rate level contained in the proposed substitute Original Sheet No. 4 reflects the actual costs of the project, most of which have now been determined, rather than the projections which were originally provided. Stingray further states that the substitute rate is necessitated primarily by the increased cost of debt capital, which had been projected at 8.25 percent but which is currently at 14.4 percent.¹ Stingray points out, however, that the proposed substitute rate also reflects the reduction in estimated cost of service of approximately \$1,600,000 from that underlying Stingray's initially proposed rate.

Stingray claims that the substitute rate is justifiable because Stingray must recover its cost of debt capital if it is to remain viable. Stingray asserts that, on the other hand, if the prime rate decreases it intends not to reap windfall profits but to pass the capital cost savings along to its jurisdictional customers. Accordingly, Stingray submits that it is agreeable to the conditioning of the proposed substitute rate as follows:

If Stingray is permitted to commence operations with initial rates predicated upon its actual financing and capitalization under the April 1, 1973, Revolving Credit and Term Loan Agreement between Stingray and Continental Illinois National Bank and Trust Company of Chicago, which establishes the interest rate for each calendar quarter at a specified factor of the prime rate on the first day of such period, the current interest charge thereunder being 14.4% for the present quarter, Stingray will file a revised rate within fifteen days from the start of each quarter in which the interest charge established by such Agreement varies from the interest charge in the preceding quarter, to reflect the new interest charge but not to exceed 14.4 percent. Such filing shall be accompanied by work papers explaining calculation of the revised rate, but if limited to this item, need not include the material otherwise submitted with a change in rates under Section 154.63 of the Commission's Regulations, and shall become effective with-

¹ Stingray's debt capital is subject to interest charges which are a multiple of the prime interest rate established on the first day of each calendar quarter, at the Continental Illinois National Bank and Trust Company of Chicago (1.2 x 12%).

out suspension as of the first day of such calendar quarter. This condition shall continue for the period in which the initial rates provided for hereunder are in effect. Following commencement of operations, Stingray may file for change in rates, pursuant to Section 4 of the Natural Gas Act, and shall be obliged to do so within 45 days following issuance of long-term debt securities other than under the April 1, 1973, Agreement as the same may be amended.

Stingray requests that the proposed substitute rate be accepted as the initial rate, inasmuch as Stingray has not yet commenced operations, and requests further that if the substitute sheet is not made effective as the initial rate that it be processed as a notice of change in rate to be made effective November 15, 1974, or as soon thereafter as possible.

Any person desiring to be heard or to make any protest with reference to said tariff filing should on or before November 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25621 Filed 11-1-74;8:45 am]

[Docket No. RP74-91-7]

TENNESSEE GAS PIPELINE CO.

Order Denying Petition for Extraordinary Relief and Prescribing Procedures

OCTOBER 18, 1974.

On September 25, 1974, Tennessee Natural Gas Lines, Inc. (Tennessee Natural), filed in Docket No. RP74-91-7, pursuant to §§ 1.7 and 2.78 of the Commission's rules of practice and procedure a petition for extraordinary relief pendente lite requesting that the Commission order Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., (Tennessee) to deliver to Tennessee Natural its pro rata share of the volume certificated at Docket No. CP73-115, et al., pending final decision in the proceedings in Docket No. CP73-115, et al., and Docket No. RP74-24. If the Commission does not grant Tennessee Natural the aforementioned relief, Tennessee Natural requests in the alternative that the Commission order Tennessee to (1) accept revised data relating to Tennessee Natural's priorities of sales and to use same in implementing its curtailment plan; (2) allow Tennessee Natural to shift a minimum of 1,500,000 Mcf of their entitlement between curtailment periods; and (3) give Tennessee Natural credit for

approximately 1,600,000 Mcf of natural gas of which it was allegedly deprived by Tennessee's refusal to allow shifts of entitlements.

We shall deny Tennessee Natural's request for delivery of its pro-rata share of the volumes authorized in Docket No. CP73-115 pending final decision in the proceedings in Docket Nos. CP73-115 and RP74-24. We agree with Tennessee, who in its answer of October 8, 1974, stated, that Tennessee Natural "is in effect asking the Commission to prejudge those issues in Docket Nos. CP73-115 and RP74-24." Furthermore, we are of the opinion that a petition for relief is not the proper forum to consider the merits of a proceeding presently before the Commission, and that the grant of the requested relief would indeed prejudice any future decision.

Tennessee Natural requests in the alternative that it be allowed to revise its priorities of sales and use the revised priorities in Tennessee's curtailment plan. This would, in our estimation, be discriminatory as well as dispositive of the issue in Docket No. RP74-24, unless it were done with full consideration of its effect on each of the other customers and the system as a whole. Furthermore, the CPQE's that are referred to in Tennessee Natural's petition have been established for calendar year 1974 only and a proceeding directed toward their revision at this time would be useless.

Tennessee Natural's request for a credit for the unused portion of a previous period entitlement is in our judgment an impossibility. There is no provision in Tennessee's curtailment plan that permits Tennessee to shift unused CPQE's from a past curtailment period to a subsequent period. It would appear then that the volumes requested by Tennessee Natural are no longer available for delivery without the imposition of additional curtailment on other customers of Tennessee. It is axiomatic in the natural gas industry that gas available for delivery during any given period will be utilized during that period in one way or another.

Nor has Tennessee Natural made any showing documenting the need for the requested 1,500,000 Mcf shift between curtailment periods. The only volumes it has shown a need for are the 391,627 Mcf it claims it is curtailing in Priorities 1, 2, and 3 under Tennessee's Order No. 467-B curtailment plan. We do not however, know at this time whether Tennessee has the capability to provide Tennessee Natural with those volumes; nor do we know the effect of such action on the other customers on the Tennessee system. We shall therefore set this latter issue for hearing to determine the propriety, need, and consequences of Tennessee Natural's request. At the hearing Tennessee Natural will be expected to document its need for the requested 1,500,000 Mcf; Tennessee will be expected to provide, inter alia, evidence on the effect of Tennessee Natural's request on its other customers and therefore whether it has sufficient gas supply to provide Tennessee Natural with the additional volumes. We shall also direct Tennessee to provide to

Tennessee Natural the requested 391,627 Mcf on a temporary basis for the remainder of the curtailment period. This volume shall be deducted from the quantity entitlement established for the subsequent curtailment period and shall be subject to a direct payback as may be directed by future orders in this proceeding.

The Commission finds: (1) That Tennessee Natural's request that the Commission order Tennessee to deliver to Tennessee Natural its pro rata share of the volumes authorized at Docket No. CP73-115, pending final Commission decision in Docket Nos. CP73-115 et al., and RP74-24 should be denied.

(2) That Tennessee Natural's request that the Commission order Tennessee to accept revised data relating to Tennessee Natural's priorities of sale should be denied.

(3) That Tennessee Natural's request that the Commission order Tennessee to credit Tennessee Natural with approximately 1,600,000 Mcf of natural gas which it was entitled to take but did not during the January-March, 1974, curtailment period should be denied.

(4) That Tennessee Natural's request that the Commission order Tennessee to shift a minimum of 1,500,000 Mcf of their entitlement between curtailment periods should be set for hearing to determine, inter alia, the propriety, need and consequences of Tennessee Natural's request.

(5) That Tennessee should deliver to Tennessee Natural, on a temporary basis, 391,627 Mcf for the remainder of the April-October, 1974 curtailment period, which volumes may be subject to direct payback.

The Commission orders: (A) That Tennessee Natural's request that the Commission order Tennessee to deliver to it its pro rata share of the volumes authorized at Docket No. CP73-115, pending final Commission decision in Docket Nos. CP73-115, et al., and RP74-24 is hereby denied.

(B) That Tennessee Natural's request that the Commission order Tennessee to accept revised data relating to Tennessee Natural's priorities of sale is hereby denied.

(C) That Tennessee Natural's request that the Commission order Tennessee to credit Tennessee Natural with approximately 1,600,000 Mcf of natural gas which it was entitled to take but did not during the January-March, 1974 curtailment period is hereby denied.

(D) That Tennessee Natural's request that the Commission order Tennessee to shift a minimum of 1,500,000 Mcf of their entitlement between curtailment periods is hereby set for hearing to determine, inter alia, the propriety, need, and consequences of Tennessee Natural's request.

(E) That Tennessee is hereby directed and authorized to deliver to Tennessee Natural, on a temporary basis and subject to direct payback, 391,627 Mcf for the remainder of the April-October, 1974 curtailment period.

(F) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a

public hearing shall be held commencing on November 20, 1974, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose [see Delegation of Authority, 18 CFR 3.5(d)] shall preside at the hearing in these proceedings pursuant to the Commission's rules of practice and procedure.

(H) Tennessee Natural and Tennessee are to file their testimony and evidence in response to the issues set out above, on all parties, including Commission Staff on or before October 31, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25638 Filed 11-1-74; 8:45 am]

[Docket No. RP74-91-1]

TENNESSEE GAS PIPELINE CO.

Order Granting Temporary Relief, Setting Formal Hearing and Prescribing Procedures

OCTOBER 18, 1974.

On September 26, 1974, the City of Ripley, Mississippi (Ripley), filed in Docket No. RP74-91-1, a petition for extraordinary relief pursuant to § 1.7 of the Commission's rules of practice and procedure requesting that the Commission order Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) to make available to Ripley an additional 45,745 Mcf over their curtailment period quantity entitlement (CPQE) for the 39-day curtailment period September 23-October 31, 1974.

Ripley states that it was informed by Tennessee that due to the effects of Hurricane Carmen it will be experiencing a deficiency of approximately 11 Bcf to November 1, 1974, and that Ripley's entitlement for the September 23-October 31, 1974 curtailment period would be 32,854 Mcf. Ripley states however that it will require 78,599 Mcf for that period and that if the additional volumes are not authorized the effect on Ripley's customers and the economy of Ripley would be substantial; resulting in severe unemployment and the closing down of many of Ripley's 29 commercial customers.

Ripley's petition indicates that the new CPQE for the September 23-October 31, 1974 period reflects a reduction of 37,646 Mcf of the volumes available. This in turn amounts to a curtailment of 5,979 Mcf in Priority 2 requirements and 31,667 Mcf in Priority 6 requirements. Ripley further indicates that an additional requirement of 8,099 Mcf had been attached subsequent to the reporting of its requirements to Tennessee producing a total deficiency of 45,745 Mcf.

We do not believe that Ripley has adequately substantiated its request for the full relief requested, and shall therefore order a formal hearing to be held to consider, inter alia, the alternate fuel

capability of Ripley's interruptible customers, the propriety of Ripley having added additional requirements, the priority of service encompassed by the additional volumes, and the effect the grant of the total volumes will have on the Tennessee system. We shall however order Tennessee to supply to Ripley 6,000 Mcf for the balance of the 39-day curtailment period, subject to the condition that any volumes delivered over and above the established CPQE will be subject to payback as may be directed by future order in this proceeding.

The Commission finds: (1) That a formal hearing is necessary and proper in the instant proceeding and that the procedures hereinafter established are required for the hearing.

(2) That Tennessee should increase Ripley's entitlement for the remainder of the 39-day curtailment period, subject to a possible payback condition as may be directed by future order in this proceeding.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held commencing on November 26, 1974, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in these proceedings pursuant to the Commission's rules of practice and procedure.

(C) Ripley and Tennessee are hereby ordered and required to file their testimony and exhibits including but not limited to the issues set out above, on all parties including the Commission Staff on or before November 12, 1974.

(D) Tennessee is hereby authorized and directed to increase Ripley's entitlement for the September 23-October 31, 1974, curtailment period by 6,000 Mcf subject to a payback requirement as may be directed by future orders in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25636 Filed 11-1-74; 8:45 am]

[Docket No. RP74-91-8]

TENNESSEE GAS PIPELINE CO.

Order Granting Temporary Relief, Setting Formal Hearing, and Prescribing Procedures

OCTOBER 18, 1974.

On September 27, 1974, East Tennessee Natural Gas Company (East Tennessee), filed in Docket No. RP74-91-8 a petition for relief from certain provisions of the curtailment plan of Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) pursuant to § 1.7(b) of the Commission's rules of practice and pro-

cedure. East Tennessee states that on September 20, 1974, it was informed by Tennessee that commencing on September 23, 1974, and continuing through October 30, 1974, its curtailment period quantity entitlement (CPQE) would be reduced from 11,354,395 Mcf to 7,605,094 Mcf. A reduction of 3,749,301 Mcf for the period, September 23-October 31, 1974. East Tennessee states that if the relief requested herein is not granted, it will cause severe economic disruption within its service area. East Tennessee therefore requests that the Commission order Tennessee to increase its CPQE for the 39-day curtailment period (September 23-October 31, 1974) by up to 1,000,000 Mcf, and decrease its CPQE for the November-December 1974 curtailment period by the same amount; and that the Commission waive the minimal filing requirements of § 2.78(b) of the Commission's rules and regulations.

We shall grant East Tennessee's request for the waiver of § 2.78(b) of our rules and regulations since it is not seeking relief from the priorities of deliveries contained in Tennessee's curtailment plan, nor is it requesting an increase in its total CPQE for the two curtailment periods that are involved herein. We shall also direct and authorize Tennessee to increase East Tennessee's CPQE for the September 23-October 31, 1974, curtailment period by up to but not exceeding 1,000,000 Mcf as requested. The volumes actually delivered to East Tennessee, over and above the currently effective quantity entitlement shall be subject to a payback requirement as may be directed by future orders in this proceeding. We shall also set the matter for formal hearing. At the hearing Tennessee shall file testimony on the issue of whether it has sufficient supply to deliver the volumes requested by East Tennessee without impairing deliveries to its other customers; and East Tennessee shall file testimony and exhibits showing what customers it plans to serve with the requested volumes; and the level of curtailment that has been reached on the East Tennessee system.

The Commission finds: (1) That the filing requirements of § 2.78(b) of the Commission's rules and regulations should be waived in the instant proceeding.

(2) That Tennessee should be authorized and directed to increase East Tennessee's entitlement for the September 23-October 31, 1974 curtailment period by up to 1,000,000 Mcf, subject to a payback requirement as may be directed by future orders in this proceeding.

(3) That a formal hearing is necessary and proper in the instant proceeding and that the procedures hereinafter established are required for the hearing.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held commencing on November 22, 1974 at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose (see Delegation of Authority, 18 CFR 3.5 (d)) shall preside at the hearing in these proceedings pursuant to the Commission's rules of practice and procedure.

(C) East Tennessee and Tennessee are hereby ordered and required to file their testimony and exhibits in response to, but not limited to the issues set out above on all parties including the Commission Staff on or before October 31, 1974.

(D) The filing requirements of § 2.76 of the Commission's rules and regulations are hereby waived in the instant proceeding.

(E) Tennessee is hereby authorized and directed to increase East Tennessee's entitlement for the September 23-October 31, 1974 curtailment period by up to 1,000,000 Mcf subject to a payback requirement as may be directed by future order in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25635 Filed 11-1-74; 8:45 am]

[Docket No. RI75-10]

W. W. F. OIL CORP., ET AL.

Order Dismissing Part of Petition, Setting Date for Hearing, and Granting Intervention

OCTOBER 18, 1974.

On July 15, 1974, W. W. F. Oil Corporation, et al (WWF) pursuant to § 2.76¹ of the Commission's General Policy and Interpretations, filed a petition for special relief in Docket No. RI75-10, seeking a rate exceeding the applicable area ceiling under Opinion No. 598. Petitioner requests a price of 72 cents per Mcf at 15.025 psia for the sale of natural gas from two wells located in the Southwest Belle Isle Field, Atchafalaya Bay, St. Mary Parish, Louisiana.

WWF seeks special relief for the following:

(1) Natural gas currently being produced and sold to Tennessee Gas Pipeline Company (Tennessee) from the WWF State Lease No. 4852 Unit Well No. 1 (S. L. 4852 Well), when and if the need for reworking should arise, (2) natural gas produced from sands found productive in a proposed directional drilling operation on the WWF State Lease No. 4882 Well No. 1 (S. L. 4882 Well), (3) natural gas produced from future wells drilled on State Lease Nos. 4852 and 4882 dedicated to its FPC Gas Rate Schedule Nos. 6 and 7.

The request for relief by WWF for reworking the S. L. 4852 Well sometime in the future, should the need arise, appears to be speculative, however, it may adduce

such evidence as it believes relevant thereto as hereinafter provided. We should note though, that § 2.76 is designed to provide special relief to a producer in the form of a rate increase in order to avoid imminent abandonment which would cause the loss to the interstate market of otherwise recoverable reserves. No such showing has been made by WWF in its pleadings with regard to the S. L. 4852 Well.

As to wells that WWF proposes to drill in the future, we determined in Continental Oil Company, et al., Docket Nos. CI74-526, et al. (issued July 25, 1974), that special relief is not available for undrilled wells. Therefore, we shall dismiss that part of the petition relating thereto. The dismissal of this part of the petition for special relief is without prejudice to WWF refile under either Order No. 455² or, if the wells are actually drilled, pursuant to the provisions set forth in Opinion No. 699.³

The remaining WWF proposal concerns the drilling of a replacement well, or, in the alternative, the directional drilling possible of the S. L. 4882 Well. Under this proposal gas would be produced from the same formation as was being produced from the existing well prior to its sanding up, although acreage that could not have been drained by the present well would be added to the recoverable reserves.

WWF seeks a base rate of 72.0 cents per Mcf pursuant to a letter agreement with Tennessee dated July 9, 1974. The data filed in support of this request does not, by itself, provide a sufficient basis upon which to determine the justness and reasonableness of the proposed rate. Therefore, it is in the public interest to hold a hearing to decide this issue pursuant to the criteria set forth in Order No. 481.

The Commission finds: (1) It is in the public interest that the petition for spe-

¹ State of Policy Relating To Optional Procedure Certifying New Producer Sales Of Natural Gas, Order No. 455, Docket No. R-441, 48 FPC 218 (Issued August 3, 1972), 18 CFR 2.75. See John E. Moss, et al. v. F.P.C., No. 72-1837 (D.C. Cir. August 15, 1974).

² Opinion And Order Prescribing Uniform National Rate For Sales Of Natural Gas Produced From Wells Commenced On Or After January 1, 1973, And New Deductions Of Natural Gas To Interstate Commerce On Or After January 1, 1973, Opinion No. 699, Docket No. R-389-B, --- FPC --- (issued June 21, 1974), as amended, Opinion No. 699-A, --- FPC --- (issued August 2, 1974), rehearing granted, --- FPC --- (issued August 2, 1974), Opinion And Order On Rehearing Reinstating And Amending The Emergency Sales Provisions Of Section 157.29 (18 CFR § 157.29) And The Limited Term Certificate Authority Of Section 2.70(b)(3) (18 C.F.R. § 2.70(b)(3)) And Reserving Decision On The Merits Of All Other Issues Raised By Petitions For Rehearing Of Opinion No. 699 For Further Consideration, Opinion No. 699-B, Docket No. R-389-B, --- FPC --- (issued September 9, 1974), as amended, Declaratory Order On Petition For Clarification Of Opinion And Order On Rehearing, Opinion No. 699-C, --- FPC --- (issued September 26, 1974), as amended, Declaratory Order On Petition For Clarification, Opinion No. 699-D, --- FPC --- (issued October 9, 1974).

cial relief filed by WWF in Docket No. RI75-10, insofar as it proposes the replacement or directional drilling of S. L. 4882 Well, be set for hearing.

(2) Good cause exists to permit the intervention of Tennessee.

The Commission orders: (A) Those portions of the petition for special relief filed by WWF in Docket No. RI75-10 relating to the drilling of future wells and the proposed workover of S.L. No. 1852 Unit Well No. 1, are hereby dismissed, without prejudice to resubmittal in the future.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), that part of the WWF petition for special relief in Docket No. RI75-10 not previously dismissed is set for the purpose of hearing and disposition.

(C) A public hearing on the issues presented by the application herein shall be held commencing on November 25, 1974, 10:00 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

(D) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(E) WWF and any intervenor supporting the petition shall file their direct testimony and evidence on or before October 30, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(F) The Commission Staff, and any intervenor opposing the petition, shall file their direct testimony and evidence on or before November 13, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(G) All rebuttal testimony and evidence shall be served on or before November 20, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

(H) The above named petitioner is permitted to intervene in this proceeding subject to the rules and regulations of this Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interest as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of such interest shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25637 Filed 11-1-74; 8:45 am]

³ Order Promulgating Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Order No. 481, Docket No. R-458, 49 FPC 992 (issued April 12, 1973), 18 C.F.R. § 2.76.

FEDERAL RESERVE SYSTEM ALLIED BANCSHARES, INC.

Acquisition of Bank

Allied Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successors by merger to the following Texas banks: American Bank and Trust Company, Houston; Union State Bank of Beaumont, Beaumont; The Kirbyville State Bank of Kirbyville, Kirbyville; Farmers State Bank of Brookshire, Brookshire; and Security Bank, Spring. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 12, 1974.

Board of Governors of the Federal Reserve System, October 25, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.
[FR Doc. 74-25582 Filed 11-1-74; 8:45 am]

BANCOHIO CORP.

Acquisition of Bank

BancOhio Corporation, Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of The Geauga County National Bank of Chardon, Chardon, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 25, 1974.

Board of Governors of the Federal Reserve System, October 24, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.
[FR Doc. 74-25583 Filed 11-1-74; 8:45 am]

BUDGET INDUSTRIES, INC.

Order Denying Exemption From Prohibitions Against Nonbanking Activities of Bank Holding Companies

Budget Industries, Inc., Los Angeles, California ("Budget"), a bank holding company within the meaning of the Bank Holding Company Act (12 U.S.C. 1841), by virtue of its ownership of 79.6 per cent of the voting shares of Century Bank,

Los Angeles, California ("Century Bank"), has applied to the Board of Governors, pursuant to section 4(d) of the Act, for an exemption from the prohibitions of § 4 (relating to nonbanking activities of, and acquisitions by, a bank holding company).

Notice of receipt of the application, affording an opportunity for interested persons to submit comments or views, or request a hearing, was published in the FEDERAL REGISTER (38 FR 1305). Time for filing comments, views, and requests for a hearing has expired. No comments have been received nor has any party requested a hearing.

Section 4(d) of the Act provides that, to the extent such action would not be substantially at variance with the purposes of the Act and subject to such conditions as the Board considers necessary to protect the public interest, the Board may grant an exemption from the provisions of section 4 of the Act to a bank holding company that controlled one bank prior to July 1, 1968, and has not thereafter acquired the control of any other bank in order (1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests.

The Board has considered the application in light of the factors set forth in section 4(d) of the Act and finds that:

Budget (total assets of \$448.9 million as of year-end 1973) is a diversified financially-oriented holding company engaged principally in operating a savings and loan association, commercial finance activities, insurance underwriting, and real estate development. The record shows that, in 1963, Budget Finance Plan, a predecessor to Budget (and a present Budget subsidiary) acquired control of Century Bank.

Century Bank's total assets as of year-end 1973 were \$28.7 million, equal to 6.4 per cent of Budget's consolidated assets as of that date. As of year-end 1971, Century Bank accounted for 7.8 per cent of Budget's preadjusted net income.¹ Century Bank's deposits (\$24.6 million as of June 30, 1973) represent less than .2 per cent of the total commercial bank deposits in the Los Angeles County banking market (the relevant market) wherein Century Bank ranks as the thirty-eighth largest of 66 banking organizations competing in that market. Budget's savings and loan subsidiary operates out of 12 offices located in seven counties in Northern California, and had a total of \$230 million in savings accounts as of year-end 1973. By virtue of Budget's interests in both a commercial bank and

a savings and loan association, it appears that some adverse effects on competition may result because California law permits statewide branching for both commercial banks and State savings and loan associations. However, the amount of competition that may be eliminated or foreclosed does not appear to be significant.

The Bank Holding Company Act was enacted to assure the continuation of the policy of separating banking from other commercial enterprises. Section 4(d) of the Act, on the other hand, is a departure from such a policy and is designed to provide a limited number of companies which qualify a complete exemption from the general prohibitions against nonbanking activities contained in the Act, provided such an exemption "would not be substantially at variance with the purposes of this Act." The Board regards section 4(d) as being generally designed to permit expansion by a holding company, which is primarily oriented toward non-financial areas and whose future expansion activities are anticipated to be in such areas, or which has demonstrated some unique relationship with its banking subsidiary. In other words, Congress sought by section 4(d) of the Act to permit a holding company, if it qualified for an exemption under one of the criteria set forth in the section, to continue to engage in its nonbanking business without regard to the requirements of the Act or the necessity of securing the Board's approval for specific acquisitions.

With respect to this application, the Board is of the view that an exemption should not be granted. This view is due, in part, to the fact that Budget is a holding company the activities and expansion of which would continue to be of concern to the Board in light of the relationship of its activities to those which are subject to Board approval. As noted above, Budget is engaged in a wide range of financially related activities—some of which have already been determined by the Board to be closely related to banking under section 4(c)(8) of the Act. The Board is unconvinced that it would be consistent with the purposes of the Act or in the public interest to permit Budget to expand its activities without the necessity of complying with the requirements of seeking Board approval as other bank holding companies are generally required to do, since such expansion by Budget could have adverse competitive effects.²

In addition to the above, other circumstances weigh against permitting Budget to expand its activities free from the requirements of the Act. Although Budget Finance Plan provided capital funds to Century Bank at the time of its acquisition, it does not appear from the facts of record that since that time Budget or its predecessors have devoted the necessary resources and provided the needed

² Expansion by Budget of its nonbanking activities is governed by section 4(a)(2) of the Act as such activities, it appears, are entitled to indefinite grandfather privileges.

¹ Century Bank experienced losses in net income during 1972 and 1973.

supervision deemed appropriate by the Board to be provided by a bank holding company properly concerned with the affairs of its banking subsidiary. Accordingly, rather than expanding its nonbanking interests, Budget's efforts should be directed toward improvements in the operations of its banking subsidiary.

On the facts of record, including the length of time the relationship has existed, the nature of the origin of the affiliation, the needs of the community, and the size of Century Bank in relation to the holding company's total interests and in relation to the banking market involved, the Board concludes that Budget has not demonstrated that an exemption is warranted under the provisions of section 4(d) of the Act.

Accordingly, on the basis of the foregoing and other considerations reflected in the record, it is the Board's judgment that approval of the application of Budget for an exemption from the Act's restrictions relating to nonbanking activities and acquisitions would not be in the public interest, and that the application should be, and is hereby, denied.

By order of the Board of Governors,^{*} effective October 23, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25579 Filed 11-1-74; 8:45 am]

FARMERS & MERCHANTS AGENCY, INC. Formation of Bank Holding Company

Farmers & Merchants Agency, Inc., Pierz, Minnesota, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 97.8 per cent or more of the voting shares of Farmers and Merchants State Bank of Pierz, Pierz, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Farmers & Merchants Agency, Inc., Pierz, Minnesota, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the ordinary life and casualty insurance agency of William T. Stoll. Notice of the application was published on September 12, 1974 in *Royalton Banner-Pierz Journal*, a newspaper circulated in Royalton and Pierz, Minnesota.

Applicant states that the proposed subsidiary would engage in the activities of soliciting and selling ordinary life and casualty insurance including commercial fire, dwelling, automobile and general liability insurance. Such activities have

been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 5, 1974.

Board of Governors of the Federal Reserve System, October 24, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25584 Filed 11-1-74; 8:45 am]

FIRST TENNESSEE NATIONAL CORP.

Order Permitting Applicant To Engage in Additional Insurance Agency Activities Through Tower Loan Co.

First Tennessee National Corporation, Memphis, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to engage in additional insurance agency activities through its subsidiary, Tower Loan Company, Hannibal, Missouri ("Tower"); these proposed insurance activities consist of acting as agent or broker in the sale of joint-spouse reducing credit life insurance and physical damage insurance on personal property pledged as collateral in connection with its extensions of credit. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 29052). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the largest banking organization in Tennessee, controls thirteen¹ banks with aggregate deposits of about \$1.34 billion, representing approximately 12 percent of the total commercial bank deposits in the State. (All banking data are as of December 31, 1973.) Applicant's nonbanking subsidiaries engage in data processing, mortgage banking, international banking, consumer finance, credit-card financing, personal property and equipment leasing, trust services, investment and financial management, advising a real estate investment trust, and the sale of credit life and credit accident and health insurance in connection with extensions of credit by Applicant's lending subsidiaries.²

By Order of July 10, 1974 (39 FR 26318), the Board approved an application by Applicant to acquire Tower and the acquisition was consummated on August 1, 1974. Tower is a consumer finance company and makes interest-bearing and discount installment loans with and without security through its four wholly-owned subsidiary corporations operating 19 offices in Missouri and two offices in Kansas. It also acts as an insurance agent or broker with respect to (1) the sale of credit life, credit accident and health and disability insurance directly related to extensions of credit by Tower; (2) any insurance sold in communities with populations not exceeding 5,000; and (3) any insurance that is otherwise sold as a matter of convenience to the purchaser. Such activities have also been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (9)).

In the instant application, Applicant seeks permission to sell, through Tower, two additional types of insurance related to its extensions of credit: joint-spouse reducing credit life insurance and physical damage insurance on personal property pledged as collateral.³ Inasmuch as

¹ In addition, Applicant has a pending application before the Board to acquire the successor by merger to Pioneer Bank, Chattanooga, Tennessee, with deposits of \$102.1 million.

² Applicant also has a nonbanking subsidiary, Investor's Mortgage Service, Inc., St. Louis, Missouri, engaged in real estate management and land development; this company (which was acquired by Applicant on January 17, 1969) may not be retained by Applicant, under the provisions of section 4(a)(2) of the Act, beyond December 31, 1980 without prior Board approval.

³ Tower previously engaged in selling physical damage insurance but suspended the sale of such insurance prior to Applicant's acquisition of Tower. In addition to resuming the sale of this physical damage insurance, Tower proposes to engage *de novo* in the sale of joint-spouse reducing credit life insurance through its offices in Missouri and Kansas. However, in order to comply with a recently enacted Kansas banking statute (Chapter 9-507) which prohibits nonbanking activities of multibank companies in that State, Applicant has indicated that it will cease Tower's nonbanking activities in Kansas on March 21, 1976.

^{*} Voting for this action: Governors Brimmer, Sheehan, Bucher, and Wallich. Absent and not voting: Chairman Burns and Governors Mitchell and Holland.

^{*} Board action taken while Governor Brimmer was a Board member.

these insurance activities have been determined by the Board to be closely related to banking under § 225.4(a) (9) (ii) of Regulation Y, and in view of the fact that Tower would be merely providing these additional types of credit-related insurance at offices from which it presently operates, the Board concludes that approval of the application would not have any adverse effect on existing or future competition. Further, in view of the limited scope of such insurance activities, it does not appear that consummation of this proposal would result in any other adverse effects on the public interest.

Approval of this application would provide an additional source of joint-spouse reducing credit life insurance and physical damage insurance to the customers of Applicant and Tower. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c) (8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis.

By order of the Board of Governors,* effective October 24, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.
[FR Doc.74-25580 Filed 11-1-74; 8:45 am]

MARYLAND NATIONAL CORP.

Proposed Acquisition of Bethlehem Acceptance Corp.

Maryland National Corporation, Baltimore, Maryland, has applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y, for permission to acquire voting shares of Bethlehem Acceptance Corp., Bethlehem, Pennsylvania, and its sub-

sidaries. Notice of the application was published as follows:

Date	Newspaper	Location
June 29, 1974	Bethlehem Globe-Times	Bethlehem, Pa.
Do.	The Morning Call	Allentown, Pa.
June 30, 1974	The Sunday Dispatch	Pittston, Pa.
July 2, 1974	Times-Leader	Wilkes-Barre, Pa.
Do.	The Evening News	Do.
Do.	Wilkes-Barre Record	Do.
Do.	Hazleton Standard-Speaker	Hazleton, Pa.
Do.	Berwick Enterprise	Berwick, Pa.
July 10, 11, 1974	The Scranton Tribune	Scranton, Pa.
July 11, 1974	The Palmerton Post	Palmerton, Pa.
July 3, 1974	The Pocono Record	Stroudsburg, Pa.
Do.	The Express	Easton, Pa.
July 2, 1974	The Reading Eagle	Reading, Pa.
Do.	The Reading Times	Do.
July 3, 1974	The Lancaster New Era	Lancaster, Pa.
Do.	The Scranton Times	Scranton, Pa.
July 5, 1974	Williamsport Sun-Gazette	Williamsport, Pa.
June 29, 1974	The Daily Item	Sunbury, Pa.
July 3, 1974	Union County Journal	Lewisburg, Pa.
July 4, 1974	The Wayne Independent	Honesdale, Pa.
July 3, 1974	The News-Item	Shamokin, Pa.
July 2, 1974	The Call	Schuylkill Haven, Pa.
Do.	The Daily Review	Towanda, Pa.

Applicant states that the proposed subsidiary and its subsidiaries would engage in the following activities: (1) Making of consumer installment loans and purchasing consumer installment sales finance contracts, and giving of service incident to such loans or contracts as would be provided by a consumer finance company; (2) Making of loans to small businesses either directly or indirectly by means of holding shares of a company to be organized under the provisions of the Small Business Investment Act of 1958; and (3) Acting as agent or broker for the sale of credit life, accident and health insurance directly related to extensions of credit by Bethlehem Acceptance Corp. or its subsidiaries and multi-peril insurance written to protect collateral on such loans during the period of credit extension. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Applicant's notices stated that it would also engage in the conduct of financially related computer programming and data processing services through ownership of 32 percent of the outstanding stock of Continental Data Processing, Inc., Wilkes-Barre, Pennsylvania ("CDP"). However, applicant has since amended its application to the effect that complete divestiture of CDP will be accomplished upon consummation of the acquisition.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competi-

tion, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 25, 1974.

Board of Governors of the Federal Reserve System, October 24, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.
[FR Doc.74-25585 Filed 11-1-74; 8:45 am]

MICHIGAN NATIONAL CORP.

Acquisition of Bank

Michigan National Corporation, Bloomfield Hills, Michigan, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Commercial National Bank, Cassopolis, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 26, 1974.

Board of Governors of the Federal Reserve System, October 25, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.
[FR Doc.74-25587 Filed 11-1-74; 8:45 am]

PAN AMERICAN BANCSHARES, INC.

Acquisition of Bank

Pan American Bancshares, Inc., Miami, Florida, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 80 per cent or more of the voting shares of Pan American Bank of Kendale Lakes, N.A., Dade County, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the

*Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Holland and Wallach. Absent and not voting: Chairman Burns and Governor Bucher.

application should submit views in writing to the Reserve Bank to be received not later than November 12, 1974.

Board of Governors of the Federal Reserve System, October 24, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.
[FR Doc. 74-25586 Filed 11-1-74; 8:45 am]

SOUTHEAST BANKING CORP.

Order Approving Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Bank of New Smyrna, New Smyrna Beach, Florida.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the factors set forth in § 3 of the Act (12 U.S.C. 1842(c)).

Applicant, the largest bank holding company in Florida, controls 36 banks with aggregate deposits of approximately \$2.1 billion, representing 9.3 percent of total deposits in commercial banks in Florida. Acquisition of Bank (deposits of \$30.3 million) would increase Applicant's share of the total commercial bank deposits in the State by less than 0.2 of one percent and would have an insignificant effect on the statewide concentration of banking resources.

Bank, with approximately 70 percent of total market deposits, is the largest of two banks presently operating in the New Smyrna Beach banking market, which is approximated by the coastal portion of Volusia County from New Smyrna Beach south to the Brevard County line. Applicant has no banking subsidiary in the market. Of the surrounding banking markets, Applicant operates the fourth largest of six banks, controlling approximately 10 percent of the deposits in commercial banks in the West Volusia banking market at a distance of approximately 30 miles from Bank and also operates the second largest of three banks, controlling approximately 38 percent of the deposits in commercial banks in the Brevard banking market at a distance of 35 miles from Bank. It appears that no meaningful competition exists between Bank and any of Applicant's subsidiary banks nor that Applicant has a dominant position in any adjoining banking market. Due to the distances between Bank and Applicant's present banking subsidiaries, it is

unlikely that any significant future competition would develop between them. None of Applicant's nonbanking subsidiaries originated any business in the market during 1973.

Coronado Beach Bank, one of two proposed new banks to be located in the market, is scheduled to have several directors and officers in common with Bank. As a result of this acquisition, any interlocks between Bank and the proposed new bank will be severed, thereby creating an additional banking alternative in the market and another possible entry vehicle into the market. These aspects of the proposal tend to outweigh any anti-competitive considerations flowing from Applicant's acquisition of the largest bank in the market. The Board concludes, therefore, that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant, its subsidiary banks and bank are generally satisfactory and consistent with approval of the application. The resources and expertise of Applicant would permit Bank to improve its operational efficiency through utilization of Applicant's central printing, advertising, data processing and auditing departments and to expand its trust services, especially in the areas of investment assistance and trust operations. In addition, Applicant indicates it would assist Bank in expanding consumer lending and lending services to small, local businesses. Therefore, considerations relating to the convenience and needs of the community are consistent with, and lend some weight toward, approval of the application.

This proposal is distinguishable in several significant respects from the Board's denial of a prior application for the acquisition of Bank by another bank holding company.² Under the prior proposal, contrary to the present proposal, there was no showing of significantly improved services upon acquisition. In addition, the holding company in the other case (Atlantic) operated two subsidiary banks in considerably closer proximity to Bank and one of those subsidiary banks is significantly larger than either of Applicant's neighboring banks and does in fact have deposits in excess of the aggregate of Applicant's two neighboring banks. The other holding company's banks are also in the Daytona banking market which, as the major urban center in the area, interacts and influences the New Smyrna banking market to a greater degree than either the West Volusia or Brevard banking markets.

Accordingly, under the circumstances of this case, it is the Board's judgment

² By Order dated November 22, 1972, the Board denied the application of Atlantic Bancorporation, Jacksonville, Florida ("Atlantic") to acquire Bank. The Board, by Order dated May 24, 1973, granted Atlantic's request for reconsideration of its application to acquire Bank and, finally, by Order dated March 18, 1974, the Board affirmed its prior denial of Atlantic's application.

that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors, effective October 24, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.
[FR Doc. 74-25581 Filed 11-1-74; 8:45 am]

GENERAL SERVICES ADMINISTRATION

PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

OCTOBER 30, 1974.

In accordance with the Administrator's memorandum of August 7, we are forwarding the following project Notice of a Public Advisory Panel Meeting for a conceptual design review of the Border Station, Lukeville, Arizona. This notice must be published by November 1, 1974, to meet the Public Notice Requirement.

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 9, for November 18, 1974, from 1 p.m. to 4 p.m., Room 204, Federal Building/U.S. Post Office, 522 North Central, Phoenix, Arizona.

Because the meeting will be concerned with the review of the conceptual design for a Border Station, Lukeville, Arizona, it has been determined that the meeting would fall within exemption (5) of 5 U.S.C. 522(b) and that it is essential to close the meeting to the public.

Meetings of the National Public Advisory Panel on Architectural and Engineering Services and meetings of Regional Public Advisory Panels on Architectural and Engineering Services are called for various purposes including evaluating and recommending changes to the conceptual design of new construction projects awarded by contract to an architectural firm. The panels help insure that the approach to the design problem will produce the best possible design solution through free critical analysis.

For the same reason that subsequent deliberations among agency officials are exempted by the above quoted exceptions, the proceedings of the panels must be exempted.

MAX M. MISENER,
Acting Regional Administrator.

[FR Doc. 74-25685 Filed 11-1-74; 8:45 am]

¹ All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved through July 31, 1974.

² Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governor Wallich.

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 3, November 22, 1974, from 10:30 a.m. to 12 noon, Room 5334, General Services Administration Building, 18th & F Streets, N.W., Washington, DC. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed Improvement of Airconditioning and Exhaust Systems, U.S. Courthouse, John Marshall Place NW., Washington, DC. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5), it will not be open to the public.

I. E. FRIEDLANDER,
Acting Commissioner,
Public Buildings Service.

OCTOBER 30, 1974.

[FR Doc.74-25644 Filed 11-1-74; 8:45 am]

[Federal Property Management Regs.,
Temporary Reg. F-310]

SECRETARY OF DEFENSE

Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes certain delegations of authority to represent the consumer interests of the executive agencies of the Federal Government in proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires October 31, 1974.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-103.....	May 13, 1971	Delegation of authority to Secretary of Defense—Regulatory Proceeding.
F-110.....	July 13, 1971	Do.
F-113.....	July 19, 1971	Do.
F-162.....	Nov. 30, 1972	Do.
F-163.....	Dec. 13, 1972	Do.
F-164.....	Jan. 15, 1973	Do.
F-166.....	Jan. 26, 1973	Do.

ARTHUR F. SAMPSON,
Administrator of General Services.

OCTOBER 24, 1974.

[FR Doc.74-25499 Filed 11-1-74; 8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MUSIC ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public

Law 92-463), notice is hereby given that a meeting of the Jazz/Folk/Ethnic Panel to the National Council on the Arts will be held at 9:30 a.m. on November 17, 18, and 19, 1974 in the National Endowment for the Arts 14th floor and 11th floor conference rooms, Columbia Plaza, 2401 E Street N.W., Washington, D.C.

A portion of this meeting will be open to the public on November 18 from 2 p.m. to 4 p.m. on a space available basis. Accommodations are limited. During the open session there will be policy discussion on Guidelines.

The remaining sessions of this meeting, November 17 and 19 from 9:30 a.m. to 5:30 p.m. and November 18 from 9:30 a.m. to 2 p.m. and from 4 p.m. to 5:30 p.m., are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of January 10, 1973, these sessions, which involve matters that are exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b) (4), and (5)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6110.

EDWARD M. WOLFE,
Administrative Officer, National
Endowment for the Arts, National
Foundation on the Arts
and the Humanities.

[FR Doc.74-25680 Filed 11-1-74; 8:45 am]

NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR EARTH SCIENCES

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Earth Sciences to be held at 9 a.m. on November 21-22, 1974, at the School of Marine and Atmospheric Sciences Laboratory in the private dining room located in the Marine Sciences Center of the University of Miami, Miami, Florida 33146.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by

the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel please contact Dr. William E. Benson, Head, Earth Sciences Section, Rm. 310, National Science Foundation, Washington, D.C. 20550, telephone, 202/632-4210.

Dated: October 25, 1974.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.74-25613 Filed 11-1-74; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of request for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 30, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental: Letter Survey of Presidents of Post-Secondary Education Institutions, Form OS 44-74, Single time, Planchon (395-3898), Presidents of Post-secondary education institutions.

DEPARTMENT OF THE INTERIOR

Bureau of Mines: Pillar Extraction Practices in Underground Coal Mines, Form 6-P13, Single time, Weiner (395-4890), Coal producers with underground mines.

TENNESSEE VALLEY AUTHORITY

Questionnaire Outline for Sulfuric Acid Plant, Sulfur, Terminal and Sulfur Mine, Form —, Single time, Weiner (395-4890), Sulfur and H₂SO₄ producers.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Application for Determination of Basic Grant Eligibility for 1975-76 Academic Year, Form OE 255, Annual, Lowry (395-3772), Students at Post-secondary institutions.

BEOG Student Eligibility Report, Form OE 255-1, Occasional, Lowry (395-3772), Individuals and educational institutions. BEOG Supplemental Form for 1975-76 Academic Year, Form OE 255-2, Occasional, Lowry (395-3772), BEOG applicants.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Information for the Wholesale Price Index, Form BLS 473C, Monthly, Raynsford, Business firms.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:

Hospital Request to Establish Eligibility in the Health Insurance, Form SSA 1514, Occasional, Evinger (x) (395-3648).

Project SSI Alert—Questionnaire, Form SSA 9738, Single time, Evinger (x) (395-3648).

Medical Report (Black Lung Claim), Form SSA 2662, Occasional, Evinger (x) (395-3648).

DEPARTMENT OF THE INTERIOR

Bureau of Fish and Wildlife: Certification of Hunting and Fishing License Holders, Form 3-154a and 154-b, Annual, Evinger (x) (395-3648).

PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc.74-25759 Filed 11-1-74;8:45 am]

SELECTIVE SERVICE SYSTEM

ADVISORY COMMITTEE ON THE SELECTION OF PHYSICIANS, DENTISTS AND ALLIED SPECIALISTS

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Selective Service System Advisory Committee on the Selection of Physicians, Dentists and Allied Specialists, to be held at 9 a.m., November 22, 1974, in a meeting room at the Washington Hilton Hotel, 1919 Connecticut Avenue, Washington, D.C.

The committee will meet to discuss the need for Standby Doctors Draft legislation that could be implemented in event an emergency should arise requiring a Doctors Draft.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the committee before, during or after the meeting.

For further information concerning this committee meeting, contact Mr. Glenn R. Bowles, Selective Service Operations Manager, Selective Service System, Telephone: 202-343-7154.

Minutes of the meeting will be available upon request.

Dated: October 30, 1974.

BYRON V. PEPITONE,
Director.

[FR Doc.74-25649 Filed 11-1-74;8:45 am]

TARIFF COMMISSION

[337-35]

CERTAIN HYDRAULIC TAPPETS

Dismissal of Investigation

On the basis of submissions made to the United States Tariff Commission by interested parties and for other reasons, the Commission on October 10, 1974, dismissed investigation No. 337-35. Notice of the institution of the investigation was published in the FEDERAL REGISTER of May 1, 1974 (39 F.R. 15184-15185).

By order of the Commission:

Issued: October 30, 1974.

[SEAL]

KENNETH R. MASON,
Secretary.

[FR Doc.74-25615 Filed 11-1-74;8:45 am]

[TEA-W-252]

SHAER SHOE CO.

Investigation Regarding Workers' Petition for a Determination

On the basis of a petition filed under section 301(a) (2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Milford, Massachusetts, plant of the Shaer Shoe Corp., Manchester, New Hampshire, the United States Tariff Commission, on October 29, 1974, instituted an investigation under section 301(c) (2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in item 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the Tariff Commission located at 6 World Trade Center.

By order of the Commission.

Issued: October 30, 1974.

[SEAL]

KENNETH R. MASON,
Secretary.

[FR Doc.74-25616 Filed 11-1-74;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

BOARD OF EDUCATION OF THE CITY OF DETROIT

Rescheduled Hearing

On October 7, 1974, in accordance with 41 CFR 60-1.4(b) (2) (39 FR 2365, January 21, 1974), I published a Notice of Hearing announcing the designation of an administrative law judge to conduct a hearing on October 29, 1974. The purpose of the hearing was to make proposed findings and a recommended decision to the Assistant Secretary of Labor for Employment Standards concerning the determination by the Director of the Office of Federal Contract Compliance that the Board of Education of the City of Detroit Equal Employment Compliance Policy is not inconsistent with Executive Order 11246, as amended, and not incompatible with the effective implementation of the Federal Detroit Plan.

Representatives of the Board of Education and the Associated General Contractors of America, Detroit Chapter, Inc. and the Metropolitan Detroit Plumbing and Mechanical Contractors Association requested a postponement of the scheduled hearing. The parties also agreed to extend the time limit provided by 41 CFR 60-1.4(b) (2) for a decision by the Assistant Secretary until January 17, 1975. Pursuant to their requests, we have rescheduled the hearing to commence on December 17, 1974 at 9:30 a.m. in Room 1017 Federal Building and Courthouse, 231 West Lafayette, Detroit, Michigan 48226.

We have given the Board of Education of the City of Detroit, Associated General Contractors of America, Detroit Chapter, Inc. and the Metropolitan Detroit Plumbing and Mechanical Contractors Association notice of their opportunity to participate in the hearing by registered mail, return receipt requested. All other persons, organizations and other entities affected by the OFCC Director's determination may attend and participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case including such questioning of witnesses presented by the other parties as the administrative law judge may deem appropriate in the circumstances.

Interested persons, organizations and other entities affected by the OFCC Director's determination, including the Board of Education, the Associated General Contractors of America, Detroit Chapter, Inc. and the Metropolitan Detroit Plumbing and Mechanical Contractors Association, who wish to participate in the hearing should so notify Mr. H. Stephen Gordon, Chief Administrator Law Judge, U.S. Department of Labor, 1111 Twentieth Street, NW 720 Vanguard Building, Washington, D.C. 20210 by registered mail, return receipt requested, by the close of business, November 29, 1974. The notice of intention to participate (original and one copy)

must state the name and address of the person to appear, and the approximate amount of time required for the presentation. In addition, to the extent practicable, the notice should also include, or be accompanied by, a general statement of the position to be taken with regard to the aforementioned Equal Employment Opportunity Compliance Policy and of the evidence to be adduced in support of that position. The use of prepared statements by participants, subject to questioning by the other parties, is encouraged. Such prepared statements and all other documents intended to be submitted for the record should accompany the notice of intention to participate. All documents should be submitted in duplicate. In addition, the parties should be prepared to provide representatives of each of the parties of record with a copy of all prepared statements and other documents intended to be submitted for the record at the hearing.

Signed at Washington, D.C., this 29th day of October 1974.

H. STEPHEN GORDON,
Chief Administrative Law Judge,
U.S. Department of Labor.

[FR Doc.74-25602 Filed 11-1-74;8:45 am]

SEATTLE

Approval of Equal Employment Opportunity Requirements for Federally Assisted Construction and Opportunity to Appeal

1. *Background.* 41 CFR 60-1.4(b)(2) (39 FR 2365, January 21, 1974) prescribes procedures whereby State and local governments intending to impose affirmative action hiring and/or training requirements on federally assisted construction already subject to federal minority hiring and/or training plans established pursuant to Executive Order 11246, as amended, shall submit such requirements to the Director of the Office of Federal Contract Compliance. Such State and local requirements will be deemed applicable to federally assisted construction contracts unless the OFCC Director, or in the case of an appeal of the Director's determination, the Assistant Secretary for Employment Standards, determines that such requirements are inconsistent with the Order or incompatible with the effective implementation of the federal minority hiring and/or training plan (either voluntary or imposed) in the area.

Pursuant to 41 CFR 1.4(b)(2) the City of Seattle, Washington submitted its Affirmative Action Plan for construction contracts to the OFCC Director. The City of Seattle's Affirmative Action Plan is applicable to all construction work performed under contract with the City of Seattle, including federally assisted construction subject to Federal EEO Bid Conditions. The Plan's requirements are embodied in Seattle Ordinance 101432, approved by the City on October 2, 1972, and attached documents entitled: Sworn Statement for Compliance, Estimated Projected Employment

Profile, and Subcontractors Contract Report.

The plan requires that a contractor ensure that equal opportunity of employment for minorities and women result during the term of his contract. The contractor is required to take, *inter alia*, affirmative action in order to maintain at all levels of his workforce minority and female employment ratios of not less than the following:

Year	Percent	
	Minorities	Women
1974	15.5	8
1975	16.1	10
1976	16.6	12

If a contractor has not met the minority or female hiring goals of the Affirmative Action Plan he can show that he has met the good faith requirements by instituting the specific affirmative action steps found in the plan. If the contractor can demonstrate a good faith attempt to meet the plan's hiring goals, he will be relieved of his default even though he did not meet such goals.

Where the City of Seattle finds, after giving the contractor an opportunity to be heard, that the contractor has failed to comply with the requirements of the Affirmative Action Plan, the city will not enter into any other contracts with such contractor until it is reasonably assured of future compliance.

Copies of the City of Seattle's Ordinance 101432 may be obtained from the City of Seattle, Department of Human Rights, Seattle, Washington 98144 or Philip J. Davis, Director, Office of Federal Contract Compliance, U.S. Department of Labor, 14th and Constitution Avenue, NW., Washington, D.C. 20210.

2. *Decision.* After careful review of the City of Seattle's Ordinance 101432 in accordance with the provisions of 41 CFR 60-1.4(b)(2), I have found that this ordinance is not inconsistent with Executive Order 11246, as amended, and not incompatible with the implementation of the Federal EEO Bid Conditions. Accordingly, I have approved the City of Seattle's Ordinance 101432 which includes certain affirmative action requirements and the city may include such requirements in federally assisted contracts.

3. *Rights of appeal.* On October 21, 1974, in accordance with 41 CFR 60-1.4(b)(2), I communicated my determination to Mr. G. Philip Hayasaka, Director, Department of Human Rights, City of Seattle, registered mail, return receipt requested. Pursuant to 41 CFR 60-1.4(b)(2), the City of Seattle and any persons or groups affected by my determination, including construction contractors, labor organizations associations or other organizations of construction trades contractors and/or labor organizations, and minority community groups, may appeal this determination to Mr. Bernard E. Delury, Assistant Secretary for Employment Standards, 14th Street and Constitution Avenue, NW., Washington, D.C.

20210, by requesting a hearing on or before November 25, 1974. Following this appeal period, if any requests for a hearing have been filed with the Assistant Secretary, the Department of Labor shall then designate an administrative law judge who shall conduct a hearing to make proposed findings and a recommended decision to the Assistant Secretary upon the basis of the record before him. The administrative law judge shall give reasonable notice of the opportunity to participate in such hearing by registered mail, return receipt requested, to those requesting the hearing and shall also give reasonable notice of such hearing in the FEDERAL REGISTER to inform all other persons, organizations and other entities affected by the determination of their opportunity to participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case, including such cross-examination as the administrative law judge may deem appropriate in the circumstances. Within 30 days of the close of the appeal period for requesting a hearing, the Assistant Secretary shall make a final decision on the basis of the record before him, which shall consist of the record for recommended decision, the rulings and recommended decision of the administrative law judge, and the exceptions and briefs filed subsequent to the administrative law judge's decision.

Signed at Washington, D.C. this 25th day of October 1974.

PHILIP J. DAVIS,
Director, Office of
Federal Contract Compliance.

[FR Doc.74-25536 Filed 11-1-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 622]

ASSIGNMENT OF HEARINGS

OCTOBER 30, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 51146 Sub 332, Schneider Transport, Inc., now assigned November 11, 1974 at Chicago, Ill., will be held in Room 1614, Everett McKinley Dirksen Building, 219 S. Dearborn Street.

No. 35870, Continental Southeastern Lines, Inc., The Moore Tours, Incorporated, Travel Tours, Inc., and Wilcox Travel Agency, Inc.—Investigation of Operations and Practices, now assigned November 26, 1974 at Charlotte, N.C., will be held in Library Auditorium, 310 N. Tryon St.

NOTICES

MC 31389 Sub 180, McLean Trucking Company, now assigned November December 4, 1974, at Little Rock, Ark., will be held in Room 3412, Federal Office Building, 700 W. Capitol Ave., Little Rock, Ark.

MC-P-12218, Crouch Bros., Inc.—Control—Caddo Express, Inc., MC 134308 Sub 8, Caddo Express, Inc., now assigned November 18, 1974, at Oklahoma City, Okla., will be held in Room 4214, 200 N.W. 4th Street, MC 99610 Sub 17, Ross Neely Express, Inc., now being assigned continued hearing November 12, 1974, at the Holiday Inn, Highway 45 North at 5th Avenue, North, Columbus, Mississippi.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25672 Filed 11-1-74;8:45 am]

[AB 31 (Sub-No. 1)]

GRAND TRUNK WESTERN RAILROAD CO.

Notice of Abandonment

OCTOBER 22, 1974.

Grand Trunk Western Railroad Company; abandonment between Lakeland and Jackson, in Livingston, Ingham, and Jackson Counties, Michigan.

The Interstate Commerce Commission hereby gives notice that: 1. On Monday, September 9, 1974, and Wednesday, September 11, 1974, notice was published in Jackson, Ingham, and Livingston Counties, Mich., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.* 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the September 9 and 11, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25675 Filed 11-1-74;8:45 am]

[AB 95]

HOLLIS & EASTERN RAILROAD CO.

Notice of Abandonment

OCTOBER 22, 1974.

Hollis & Eastern Railroad Company; abandonment between Duke and Hollis, in Harmon and Jackson Counties, Oklahoma.

The Interstate Commerce Commission hereby gives notice that: 1. On Thursday, September 19, 1974, notice was published in Harmon and Jackson Counties, Okla., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human

environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.* 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the September 19, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25677 Filed 11-1-74;8:45 am]

[AB 83]

MAINE CENTRAL RAILROAD CO.

Notice of Abandonment

OCTOBER 22, 1974.

Maine Central Railroad Company, Abandonment between Carroll, New Hampshire, and Canaan, Vermont, in Coos County, New Hampshire, and Essex County, Vermont.

The Interstate Commerce Commission hereby gives notice that: 1. On Wednesday, September 25, 1974, notice was published in Coos County, N.H., and Essex County, Vt., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.* 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the September 25, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25674 Filed 11-1-74;8:45 am]

[AB 12 (Sub-No. 2)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Notice of Abandonment

OCTOBER 22, 1974.

Southern Pacific Transportation Company, abandonment between Lake Charles and De Ridder, in Calcasieu and Beauregard Parishes, Louisiana.

The Interstate Commerce Commission hereby gives notice that: 1. On Thursday, September 19, 1974, notice was published in Beauregard and Calcasieu Parishes, La., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.* 2. No

comments in opposition, of an environmental nature, were received by the Commission in response to the September 19, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25678 Filed 11-1-74;8:45 am]

[AB 33 (Sub-No. 5)]

UNION PACIFIC RAILROAD CO.

Notice of Abandonment

OCTOBER 22, 1974.

Union Pacific Railroad Company; Abandonment portion encampment branch between Cow Creek and encampment, in Carbon County, Wyoming.

The Interstate Commerce Commission hereby gives notice that: 1. On Tuesday, September 24, 1974, notice was published in Carbon County, Wyo., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.* 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the September 24, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25676 Filed 11-1-74;8:45 am]

[Notice No. 181]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 4, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 25, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding

pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75401. By order of October 22, 1974, the Motor Carrier Board approved the transfer to Industrial Asphalt Transport, Inc., Statesville, N.C., of the operating rights in Certificates Nos. MC-136482 (Sub-No. 1) and MC-136482 (Sub-No. 2) issued April 17, 1973, and October 30, 1973, respectively, to Gene Davis, doing business as Tarheel Oil Company of Statesville, Statesville, N.C., authorizing the transportation of asphalt, in bulk, from Morehead City, N.C., to points in South Carolina and points in that part of Tennessee on and east of U.S. Highway 27, and from Atlanta, Ga., to points in North Carolina, South Carolina, and Tennessee. Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, Ga. 30339, Attorney for applicants.

No. MC-FC-75407. By order of October 22, 1974, the Motor Carrier Board approved the transfer to George C. Potterfield Trucking, Inc., Monroe City, Mo., of the operating rights in Certificates Nos. MC-123808, MC-123808 (Sub-No. 1), and MC-123808 (Sub-No. 2) issued March 20, 1962, August 9, 1968, and October 15, 1974, respectively, to George C. Potterfield, Monroe City, Mo., authorizing the transportation of road construction materials and building supplies (except cement), in bulk, in dump vehicles, between points in Clark, Lewis, Marion, Ralls, Pike, Lincoln, Audrain, Monroe, Shelby, Knox, Scotland, Adair, and Macon Counties, Mo., on the one hand, and, on the other, points in Lee County, Iowa, and points in Adams (except Quincy, Ill., and the commercial zone thereof), Hancock, and Pike Counties, Ill.; between points in Lee County, Iowa, on the one hand, and, on the other, points in Adams, Hancock, and Pike Counties, Ill.; from points in Clark, Lewis, Macon, Ralls, Lincoln, Monroe, Shelby, Knox, Scotland, Adair, and Macon Counties, Mo., to Quincy, Ill., and crushed stone, in bulk, in dump vehicles, from Quincy, Ill., to points in said counties in Missouri; and decorative stone, agricultural limestone (except mineral filler), road construction materials, and building supplies (except cement, in bulk, in dump vehicles, from points in Lewis, Marion, and Ralls Counties, Mo., to specified points in Iowa and Illinois. Thomas P. Rose, Jefferson Building, P.O. Box 205, Jefferson City, Mo. 65101.

No. MC-FC-75421. By order entered 10.21.74, the Motor Carrier Board approved the transfer to Dees Transportation, Inc., Worland, Wyo., of the operating rights set forth in Certificates Nos. MC-135248 (Sub-No. 2), MC-135248 (Sub-No. 3), and MC-135248 (Sub-No. 5), issued September 22, 1971, January 26, 1973, and June 20, 1973, respectively, to William H. Dees, doing business as Dees Transportation, Worland, Wyo., authorizing the transportation of machinery, equipment, and supplies used in the manufacture and distribution of non-

alcoholic beverages, non-alcoholic beverages, dry animal and poultry feed and feed ingredients, agricultural cleansing and conditioning preparations, agricultural disinfectants, agricultural pesticides, canned pet food, cans, can ends, and supplies, and advertising materials, from to, or between points in Colorado, Idaho, Nebraska, North Dakota, Montana, South Dakota, Wyoming and Utah. Robert S. Stauffer, 3539 Boston Rd., Cheyenne, Wyo. 82001, attorney for applicants.

No. MC-FC-75424. By order entered 10.21.74, the Motor Carrier Board approved the transfer to Wayne Truck Line, Inc., Touristville, Ky., of the operating rights set forth in Certificates Nos. MC-40176 and MC-40176 (Sub-No. 3), issued August 7, 1959, and September 4, 1963, respectively, to Clarence Bates, doing business as Wayne Truck Line, Touristville, Ky., authorizing the transportation of general commodities, with the usual exceptions, feed, seed, fertilizer, grain, and lumber, from, to, or between specified points in Kentucky, Ohio, Michigan, Illinois, and Indiana. John M. Nader, P.O. Box E, Bowling Green, Ky. 42101, attorney for applicants.

No. MC-FC-75445. By order of October 22, 1974, the Motor Carrier Board approved the transfer to John J. Neville, doing business as Spee-Dee Delivery, Greenwich, Conn., of the operating rights in Certificate No. MC-66916 issued March 25, 1941, to John Neville, Jr., doing business as The Speedee Package Delivery, Greenwich, Conn., authorizing the transportation of household goods and summer cottage equipment between Greenwich, Conn., and points within 20 miles thereof, on the one hand, and, on the other, points in Connecticut, New York, New Jersey, and Pennsylvania. J. Waide Howley, 107 Maple Ave., Greenwich, Conn. 06830, Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-25671 Filed 11-1-74; 8:45 am]

[Notice No. 147]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 30, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of

the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 469TA), filed October 22, 1974. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio 44309. Applicant's representative: William Slabaugh (Same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the Holiday Inn Industrial Park, DeSoto County, Miss., as an off-route point, for 180 days.

NOTE.—Applicant will tack with MC-2202 and Subs thereto and will effect interchange at all points.

Supporting shipper: Holiday Inns, Inc., P.O. Box 18127, Memphis, Tenn. 38118. Send protests to: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 14552 (Sub-No. 57TA), filed October 22, 1974. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Paul F. Beery Co., L.P.A., 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between the plant site and warehouses of Thorofare Markets, Inc., in Austintown Township, Mahoning County, Ohio, on the one hand, and, on the other, the retail distribution centers of Thorofare Markets, Inc., located at or near Morgantown, Fairmont, Grafton, Nutter Fort, Clarksburg, St. Albans, Point Pleasant, Ravenswood, Huntington, Latrobe, North Apollo, Johnstown, Blairsville, Lower Burrell, Somerset, Leechburg, Murrysburg, and North Huntingdon, Pa., and Ashland, Ky., for 180 days, restricted to traffic originating at and/or destined to the above-named origins and destinations. Supporting shipper: Thorofare Markets, Inc., P.O. Box

237, Pittsburgh, Pa. 15230. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 56244 (Sub-No. 35TA), filed October 18, 1974. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, 410 N. Third Street, P.O. Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boxboard*, from Halltown, W.Va., to Hialeah, Jacksonville, Miami, and Tampa, Fla., and Corbin, Ky.; and (2) *waste paper, boxboard clippings, empty skids and pallets, and paper cones*, from Hialeah, Jacksonville, Miami, and Tampa, Fla., and Corbin, Ky., to Halltown, W.Va., for 180 days. Supporting shipper: Halltown Paperboard Company, Halltown, W. Va., 25423. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 71459 (Sub-No. 45TA) filed October 21, 1974. Applicant: O.N.C. FREIGHT SYSTEMS, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Applicant's representative: Roland Rice, Suite 618, Perpetual Building, 111 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: District Supervisor Claud W. Reeves, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 85255 (Sub-No. 53TA), filed October 21, 1974. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526, (3720 Airport Way South), Seattle, Wash. 98124. Applicant's representative: Clyde H. MacIver, 1001 Fourth Avenue, Suite 3712, Seattle, Wash. 98154. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal cans and can parts*, between Portland, Oreg., and points in Benton, Franklin, and Walla Walla Counties, Wash.; between Junction City, Oreg., and points in Washington, for 90 days. Supporting shipper: Continental Can Corporation, 10200

North Lombard, Portland, Oreg. 97203. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98174.

No. MC 105457 (Sub-No. 82TA), filed October 18, 1974. Applicant: THURSTON MOTOR LINES, INC., P.O. Box 10638, 600 Johnston Rd. 28206, Charlotte, N.C. 28201. Applicant's representative: John V. Luckadoo, P.O. Box 10638, Charlotte, N.C. 28234. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, and those which require the use of special equipment, serving the plantsite and facilities used by FMC Corp., MHE Division, located at or near Tupelo, Miss., as an off-route point in connection with carriers regular route authority, between Greenville, S.C., and Memphis, Tenn. (Sub 61), for 180 days. Supporting shipper: FMC Corporation, MHE Division, P.O. Box 1370, Tupelo, Miss. 38801. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 107002 (Sub-No. 460TA), filed October 18, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 1123, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid insecticides*, in bulk, in tank vehicles, from Vicksburg, Miss., to points in Texas, for 180 days. Supporting shipper: Vicksburg Chemical Company, P.O. Box 3, Vicksburg, Miss. 39181. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 107839 (Sub-No. 159TA), filed October 21, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., 1600 Lincoln Center Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, for 180 days. Restriction: Restricted to the transportation of traffic originating at and destined to the named points. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City,

Nebr. 68731. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 110683 (Sub-No. 100TA), filed October 22, 1974. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite of Firestone Tire and Rubber Company at or near Nashville, Tenn., in Rutherford County, Tenn., in connection with applicant's existing regular route authority to serve Nashville, Tenn., for 180 days. Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 110841 (Sub-No. 17TA), filed October 16, 1974. Applicant: PORT NORRIS EXPRESS CO., INC., North Ave., Port Norris, N.J. 08349. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Cumberland, Salem, Gloucester, Atlantic, Camden, Burlington, and Cape May Counties, N.J., to points in California, Oregon, Washington, Nevada, Idaho, Montana, New Hampshire, Wyoming, Utah, Arizona, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Michigan, Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, and Florida, for 180 days. Supporting shippers: Robert Filter Manufacturing Company, Sixth and Columbia Avenue, Darby, Pa. 19026; Ford Motor Company, Rouge Office Building, Dearborn, Mich. 48121. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 113158 (Sub-No. 26TA), filed October 21, 1974. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, Md. 21664. Applicant's representative: V. Baker Smith, James W. Patterson, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), from the plant sites and storage facilities utilized by Acme Markets, Inc., in the Counties of Caroline, Dorchester (except the City of Hurlock), Talbot, and Wicomico, Md.,

to Philadelphia, Johnstown, and Forty Ft., Pa., Syracuse and Buffalo, N.Y., and Kearny, N.J., restricted against the transportation of canned goods to Philadelphia and Forty Ft., Pa., Syracuse and Buffalo, N.Y., and Kearny, N.J., for 180 days. Supporting shipper: Acme Markets, Inc., 214 N. 15th Street, Philadelphia, Pa. 19101. Send protests to: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 317, Washington, D.C. 20423.

No. MC 115180 (Sub-No. 93TA), filed October 17, 1974. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, N.Y. 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as described in Sections A and C of Appendix I to the Report in Descriptions, from the facilities of Hartford Provision Co., at Harwarden, Iowa, to points in Maine, Massachusetts, New Hampshire, Vermont, New York, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, West Virginia, Virginia, North Carolina, and the District of Columbia, restricted to the transportation of traffic originating at the above named origins and destined to points in the above named states, for 180 days. Supporting shipper: Hartford Provision Company, Stamford Division, Inc. 51 Westover Lane, Stamford, Conn. 06902. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 116544 (Sub-No. 154TA), filed October 18, 1974. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 2619 N Street, Omaha, Nebr. 68107. Applicant's representatives: C. J. Boddington, P.O. Box 10280, Palo Alto, Calif. 94303, and Robert Wilson, P.O. Box 636, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee (restricted to traffic originating at and destined to named points), for 180 days. Supporting shipper: Iowa Beef Processors, Inc., H. L. Dennison, General Traffic Mgr., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Opera-

tions, Suite 620, Union Pacific Plaza, Omaha, Nebr. 68102.

No. MC 116710 (Sub-No. 18TA), filed October 16, 1974. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 1634, Highway 11 South, Hattiesburg, Miss. 39401. Applicant's representative: Leland D. Smith, Route 2, Box 269, Navasota, Tex. 77868. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur dioxide*, in bulk, in tank vehicles, from plant site of Stauffer Chemical Company, Baton Rouge, La., to points in Kentucky, Missouri, North Carolina, Iowa, Colorado, Kansas, Nebraska, South Carolina, Pennsylvania, and New Jersey, for 180 days. Supporting shipper: Stauffer Chemical Company, Westport, Conn. 06880. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 116967 (Sub-No. 19TA), filed October 7, 1974. Applicant: WONDAL TRUCKING CO., INC., 2857 Ridge Road, Lansing, Ill. 60438. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, Ind. 46312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Face and common building brick*, approximately 8" equivalents, between Chicago, Ill., and Brazil, Cayuga, and Martinsville, Ind., for 180 days. Supporting shipper: American Brick Company, Mr. Charles K. Davis, Vice President, 6558 W. Fullerton, Chicago, Ill. Send protest to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 117589 (Sub-No. 24TA), filed October 22, 1974. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 Seventh Avenue South, P.O. Box 24507, 98124, Seattle, Wash. 98108. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen human blood plasma*, from Spokane Wash., to Los Angeles, Calif., for 180 days. Supporting shipper: Hyland Division, Travenol Laboratories, 3300 Hyland Avenue, Costa Mesa, Calif. 92626. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98174.

No. MC 140043 (Sub-No. 1TA), filed October 17, 1974. Applicant: ANTHONY J. REPACI & SONS, INC., 835 Route 1, Iselin, N.J. 08830. Applicant's representative: Edward F. Bowes, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cashew nut shell liquid*, in bulk, for the account of Minnesota Mining & Manufacturing Corp., from piers in Brooklyn, N.Y., to the plant site of Minnesota Mining & Manufacturing Corp.,

Doremus Avenue, Newark, N.J., for 90 days. Supporting shipper: Minnesota Mining & Manufacturing Corp., Doremus Avenue, Newark, N.J. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 140276 (Sub-No. 1TA), filed October 19, 1974. Applicant: C & D LEASING, INC., Morton, Minn. 56270. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut, pre-fab buildings and accessories*, from Morton and Redwood Falls, Minn., to points in Nebraska, North Dakota, and South Dakota, for 180 days. Supporting shipper: Royal Constructors, Inc., Box 278, Morton, Minn. 56270. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 140294 (Sub-No. 1TA), filed October 21, 1974. Applicant: GENERAL FREIGHTS, INC., P.O. Box 157, Rt. 1, Hancock, Md. 21750. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reclaimed furnace oil*, from the plantsite of E. R. Baumgardner, at or near Fayetteville, Pa., to points in Maryland, Virginia, and West Virginia, for 180 days. Supporting shipper: C. V. Transport, T/A, Sollday Oil Co., P.O. Box 343, Hagerstown, Md. 21740. Send protests to: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 317, Washington, D.C. 20423.

No. MC 140316TA, filed October 15, 1974. Applicant: SOUTHERN BUREAU OF INVESTIGATION, INC., AND SOUTHERN ARMORED CAR SERVICE, 1312 22nd Avenue, P.O. Box 449, Meridian, Miss. 39301. Applicant's representative: James E. Smith, P.O. Box 449, Meridian, Miss. 39301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Microfilms, canceled checks, and other miscellaneous banking materials*, from Meridian, Miss., to York, Livingston, Butler, Demopolis, Mobile, and Montgomery, Ala., Memphis, Tenn., and Baton Rouge and New Orleans, La., for 180 days. Supporting shipper: Financial Data Processing Center, Inc., P.O. Box 5515, 908 Roebuck Drive, Meridian, Miss. 39301. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 140317TA, filed October 18, 1974. Applicant: ED H. SONNENBERG, Route 3, Detroit Lakes, Minn. 56501. Applicant's representative: Richard P.

Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by heating and air-conditioning contractors, and by manufacturers, fabricators, and distributors of heating and air-conditioning contractors' *equipment, materials, and supplies*, (1) from Red Bud and Chicago, Ill.; South Bend, Ind.; and Omaha, Nebr., to points in Minnesota; and (2) from Detroit Lakes, Minn., to points in North Dakota, South Dakota, Wyoming, Montana, and Wisconsin, for 180 days. Supporting shipper: Tri-State Heating Supply Co., P.O. Box 5960, Detroit Lakes, Minn. 56501. Send protests to: Joseph H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 140318TA, filed October 21, 1974. Applicant: PARKER'S VAN & STORAGE, INC., 705 North Daisy Street, Goldsboro, N.C. 27530. Applicant's representative: Lindsay C. Warren, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Wayne, Lenoir, Johnston, Greene, Pitt, Martin, Edgecomb, Wilson, Nash, Halifax, Wake, Durham, Orange, Person, Granville, Vance, Franklin, and Warren Counties, N.C., for 180 days. Restriction: The service applied for is to be restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points above referred to and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. Supporting shippers: Von Der Ahe International Inc., 600 Rudder Ave., Fenton, Mo. 63026; Imperial Van Lines International, Inc., 9675 Fourth St. N., St. Petersburg, Fla. 33702; Fernstrom Storage & Van Company, Overseas Division, 555 Northgate Mall, Seattle, Wash. 98125. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 140274-R (Sub-No. 1TA), filed October 17, 1974. Applicant: HOME DELIVERY SERVICE, INC., 382 McLean Boulevard, Paterson, N.J. 07513. Applicant's representative: William J. Lippman, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, equipment, and supplies* as are sold, used, or distributed by a manufacturer of cosmetics, from the plant site and storage facilities of Avon Products, Inc., at Newark, Del., to points in Delaware, and to points in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northamp-

ton, Philadelphia, Perry, Schuylkill, and York Counties, Pa., subject to the following conditions: Said operations are restricted against the transportation of any package or article weighing more than 50 pounds. Said operations are restricted against the transportation of packages or articles weighing in the aggregate more than 250 pounds from one consignor to one consignee at one location on any one day, for 180 days. Supporting shipper: Avon Products, Inc., 2100 Ogletown Road, Newark, Del. 19711. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 124174 (Sub-No. 102TA), filed October 15, 1974. Applicant: MOMSEN TRUCKING CO., 2405 Highway Boulevard, Spencer, Iowa 51301. Applicant's representative: Karl E. Momen, P.O. Box 37490, Omaha, Nebr. 68137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel bars, strip, and coils*, from the plantsites and warehouse facilities of Copperweld Specialty Steel Company at or near Warren, Ohio; National Steel Service Center, Inc., at or near New Castle, Pa.; and Sharon Steel Corporation at or near Sharon, Pa., to the plantsite and storage facilities of the Peterson Manufacturing Co., Inc., at or near DeWitt, Nebr., for 180 days. Supporting shipper: Peterson Mfg. Co., Inc., DeWitt, Nebr. 68341. Send protests to: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 114533 (Sub-No. 308TA), filed October 15, 1974. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Oakbrook, Ill., on the one hand, and, on the other, points in Michigan (except Lansing, Benton Harbor, Niles, Muskegon, Detroit, and Flint) and Indiana (except Goshen), for 180 days. Supporting shipper: McDonald's Corporation, 1100 West 22nd Street, Oakbrook, Ill. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 124017 (Sub-No. 6TA), filed October 10, 1974. Applicant: ROBERT A. JEFFREY, doing business as R. JEFFREY & SONS, P.O. Box C 180, R.D. #1, Elysburg, Pa. 17824. Applicant's representative: John M. Musselman, 410 N. Third St., Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Luzerne County, Pa., to points in New

York on and west of a line beginning at Sodus Point, N.Y., on the shore of Lake Ontario, and extending along New York Highway 14 to Horseheads, N.Y., thence along New York Highway 17 to Waverly, N.Y., and thence along New York Highway 220 to the New York-Pennsylvania State line, for 180 days. Supporting shipper: Lehigh Valley Coal Sales Company, 800 Exeter Avenue, West Pittston, Pa. 18642. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 125997 (Sub-No. 7TA), filed October 15, 1974. Applicant: L. C. FOESCH, doing business as FOESCH TRANSFER LINE, P.O. Box 434, Shawano, Wis. 54166. Applicant's representative: John D. Varda, 121 South Pinckney St., Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ornamental ironwork, power hand trucks and accessories, and spare tire carrier accessory kits*, and on return, *materials, supplies, and attachments* used in the manufacture and assembly of the aforementioned commodities, between the plant site of Kools Brothers, Inc., at Shawano, Wis., on the one hand, and, on the other, points in Indiana, Illinois, Iowa, Michigan, Ohio, and Wisconsin, for 180 days. Supporting shipper: Kools Brothers, Inc., P.O. Box 463, Shawano, Wis. 54166. Send protests to: District Supervisor John Ryden, Interstate Commerce Commission, Bureau of Operations, Room 807, 135 West Wells St., Milwaukee, Wis. 53203.

No. MC 128007 (Sub-No. 68TA), filed October 18, 1974. Applicant: HOFER, INC., P.O. Box 583, 4032 Parkview Dr., Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard*, from the plantsite of U.S. Gypsum Co., Pittsburg, Kans., and the plant site of Leggett and Platt Co., Springfield, Mo., for 180 days. Supporting shipper: United States Gypsum Company, 101 South Wacker Drive, Chicago, Ill. 60606. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128247 (Sub-No. 27TA), filed October 16, 1974. Applicant: BURSAL TRANSPORT, INC., 3839 S. LaFountain, Kokomo, Ind. 46901. Applicant's representative: Edward G. Bazelon, 39 S. LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ingots*, from Centerville, Iowa, to Kokomo, Ind., for 180 days. Supporting shipper: Iowa Steel & Wire Co., Centerville, Iowa 52544. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 129625 (Sub-No. 5TA), filed October 18, 1974. Applicant: ROBERT COLE TRUCKING COMPANY, P.O. Box M, Falls Creek, Pa. 15840. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, (1) from points in Cambria County, Pa., to points in that part of New York east of Interstate Highway 81, with no transportation for compensation on return except as otherwise authorized; (2) from points in Clearfield County, Pa., to points in that part of New York on and west of Interstate Highway 81, with no transportation for compensation on return except as otherwise authorized; (3) from points in Jefferson, Cambria, Clarion, Indiana, Elk, and Clearfield Counties, Pa., to the facilities of the Delmarva Power & Light Company located at or near Indian River, Del., with no transportation for compensation on return except as otherwise authorized; and (4) from points in Jefferson, Cambria, Clarion, Indiana, Elk, and Clearfield Counties, Pa., to the facilities of Deamond Alkali Company at Painesville, Ohio, with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shippers: Pittsburgh & West Virginia Coal Company, 1944 Oliver Building, Pittsburgh, Pa. 15222; Coal Hill Mining Co., Inc., Deposit National Bank Building, DuBois, Pa. 15801; H. N. Hartwell Co., Inc., Park Square Building, Boston, Mass. Send protests to: District Supervisor James C. Donaldson, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 134551 (Sub-No. 4TA), filed October 22, 1974. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., 3 Caine Drive, Madison, Ill. 62060. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packing-houses*, from Kansas City, Kans., to (1) Fulton and Mexico, Mo., and points in Missouri located on and west of U.S. Highway 63; and (2) Hutchinson, Kans., and points in Kansas on and east of U.S. Highway 81, for 180 days. Supporting shippers: Wayne E. Lemke, Manager Farmland Foods, Inc., P.O. Box 7305, Kansas City, Mo. 64116; Joseph J. Dolan, Traffic Mgr., Dubuque Packing Company, 701 E. 16th St., Dubuque, Iowa; Bruce Raines, Asst. to Owner, Welch Marketing Company, 910 Pennsylvania, Suite 206, Kansas City, Mo. 64105; John Morrell & Co., 208 S. LaSalle St., Chicago, Ill. 60604; James T. Ferguson, T. Mgr., Cudahy Foods Co., 2300 North Broadway, Wichita, Kans. 67201. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 134979 (Sub 4TA), filed October 18, 1974. Applicant: DAGGETT TRUCK LINE, INC., Frazee, Minn. 56544. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pet food* (except commodities in bulk, in tank vehicles), from the plant-site and facilities of Tuffy's—Division of Star-Kist Foods, Inc., at or near Perham, Minn., to points in Colorado, Wyoming, and Michigan, for 180 days. Supporting shipper: Tuffy's—Division of Star-Kist Foods, Inc., P.O. Box 190, Perham, Minn. 56573. Send protests to: Joseph H. Ambros, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 135007 (Sub-No. 46TA), filed October 15, 1974. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, Neb. 68127, Mlg. P.O. Box 3704, Millard Station, Millard, Neb. 68137. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Neb. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Connecticut, District of Columbia, Georgia, Illinois, Indiana, Massachusetts, Maine, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, restricted to traffic originating at and destined to named points, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Neb. 68731. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Neb. 68102.

No. MC 135243 (Sub-No. 4TA), filed October 21, 1974. Applicant: WISPAK TRANSPORT, INC., 4700 North 132nd Street, Butler, Wis. 53007. Applicant's representative: Stephen E. Zwicky, 119 Monona Avenue, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies used or useful in the manufacturing, processing, sales, and distribution of meats, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *meat, meat products, and meat by-products*, except commodities in bulk, from points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Ken-

tucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia to Butler and Milwaukee, Wis., for 180 days. Supporting shipper: Wisconsin Packing Co., Inc., 305 S. 3rd St. Milwaukee, Wis. (Robert C. Heller, Vice President). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 136318 (Sub-No. 25TA), filed October 16, 1974. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 5627, High Point, N.C. 27262. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Neb. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Television sets, radios, phonographs, stereo systems, recorders, players, recorded material, television stands, speaker systems, and audio equipment*; and (2) *accessories, components, and parts for the commodities set forth in (1) above*. From the Los Angeles, Calif., commercial zone and the Los Angeles, Calif., Harbor commercial zone to Bloomington, Marion, and Indianapolis, Ind., and points in Georgia, North Carolina, South Carolina, and Tennessee; and B. From Marion, Ind., to points in Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. Restrictions: (1) Restricted against commodities in bulk, in tank vehicles; and (2) Restricted to transportation of commodities under a continuing contract or contracts with RCA and its affiliates. Supporting shipper: RCA, Cherry Hill, N.J. 08034. Send protests to: District Supervisor Terrell Price, Bureau of Operations, Interstate Commerce Commission, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 138313 (Sub-No. 15TA), filed October 17, 1974. Applicant: BUILDERS TRANSPORT, INC., 409—14th St. SW., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed automobile bodies, in straight or mixed shipments with scrap engine blocks, and transmissions*, from Havre, Mont., to Tacoma and Seattle, Wash., and Portland, Oreg., for 180 days. Supporting shipper: Bitterroot Auto, P.O. Box 441, Havre, Mont. 59501. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 138382 (Sub-No. 1TA), filed October 22, 1974. Applicant: PATTERSON COASTAL TRANSPORT, INC., RR #2, Frankfort, Ill. 60423. Applicant's representative: Stephen H. Loeb, 327 S. LaSalle St., Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gym equipment, parts, attachments*

and accessories therefor, from Fresno, Calif., to Frankfort, Ill., for 90 days. Supporting shipper: Swartz Associates, Inc., 121 Ontario St. Frankfort, Ill. 60423. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 138398 (Sub-No. 10TA), filed October 11, 1974. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street (P.O. Box 3772), Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 9th Floor Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical cords, electrical switches, circuit breakers, and lead wires*, from Bridgeport, Conn., and Pawtucket and Providence, R.I., to Kansas City, Clinton, Sweet Springs, Sedalia, Hannibal, and Albany, Mo., under a continuing contract or contracts with Rival Manufacturing Co., of Kansas City, Mo., for 180 days. Supporting shipper: Rival Manufacturing, 3600 Bennington, Kansas City, Mo. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 138882 (Sub-No. 6TA), filed October 17, 1974. Applicant: WILEY SANDERS, INC., 212 Oak Street, Troy, Ala. 36801. Applicant's representative: John W. Cooper, 1314 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment used or consumed in processing lead*, from points in Pike County, Ala., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Sanders Lead Company, Inc., P.O. Box 161, Troy, Ala. 36801. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616—2121 Building, Birmingham, Ala. 35203.

No. MC 139600 (Sub-No. 3TA), filed October 15, 1974. Applicant: LA CRESTA, INC., doing business as CALIFORNIA BULK EXPRESS, 12912 Camino Del Valle, Poway, Calif. 92064. Applicant's representative: Fred F. Caldwell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk or in bags, from Oceanside, Calif., to points in Arizona and Nevada, for 180 days. Supporting shipper: Crystal Silica Company, P.O. Box 1280, Oceanside, Calif. 92054. Send protests to: District Supervisor Philip Yallowitz, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25670 Filed 11-1-74; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

OCTOBER 30, 1974.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding, including a detailed statement of protestant's interest in the proposal.

No. MC 30446 (Sub-No. 6G) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 21, 1974. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., P.O. Box 5647, Charlotte, N.C. 28225. Applicant's representative: Charles Ephraim, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. The above application was published October 1, 1974, with an incorrect docket number, and was subsequently published October 21 to reflect the correct number. Inadvertently, in the October 21 publication, the due date for statements in opposition was incorrectly shown as 10 days after publication. Opposition statements to this application are due 30 days from this publication date.

No. MC 64932 (Sub-No. 530G), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., a Corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: William F. Farrell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Connecticut, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Marshall, Ill.

No. MC 52861 (Sub-No. 36G), filed June 4, 1974. Applicant: WILLS TRUCKING, INC., 5755 Granger Road, Cleveland, Ohio 44151. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in bulk, from

Watkins Glen, N.Y., to points in Kentucky and Illinois; (2) *rock salt*, in bulk, from Detroit, Mich., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, those points in Virginia on and east of U.S. Highway 21, those points in West Virginia on and east of Interstate Highway 77, and the District of Columbia; (3) *crushed raw limestone*, in bulk, in dump vehicles, from points in Steuben County, Ind., to points in Michigan (except St. Joseph, Branch, Kalamazoo, and Calhoun Counties, Mich.); (4) *rock salt*, in bulk, from points in Washtenaw and Wayne Counties, Mich., within 40 miles of Monroe, Mich., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia; (5) *salt*, in bulk, from points in Wayne and Monroe Counties, Mich., and Ottawa County, Ohio, within 40 miles of Monroe, Mich., to points in Indiana; (6) *pig iron*, in dump vehicles, from points in Wayne and Monroe Counties, Mich., and Ottawa County, Ohio, within 40 miles of Monroe, Mich., to points in Indiana; (7) *lime and limestone products*, from points in Wayne County, Mich., within 40 miles of Monroe, Mich., to points in Indiana, Illinois, Iowa, Kentucky, Ohio, Missouri, New York, Pennsylvania, Wisconsin, and West Virginia; (8) *sand*, in bulk, between Toledo, Ohio, on the one hand, and, on the other, points in Ohio (except points in Cuyahoga, Geauga, Portage, and Lorain Counties, Ohio); (9) *spent catalyst* (clay), in bulk, in tank vehicles, from points in Ohio within 40 miles of Monroe, Mich., to points on the International Boundary line between the United States and Canada at Port Huron, Mich.; (10) *limestone*, in bulk, in dump vehicles, from points in Ohio within 40 miles of Monroe, Mich., to points in Michigan; and (11) *pig iron*, in dump vehicles, from points in Ohio within 40 miles of Monroe, Mich., to points in Michigan. The purpose of this filing is to eliminate the gateways at Cleveland, Ohio; Fairport, Ohio; Williams County, Ohio; Detroit, Mich.; Lucas County, Ohio; River Rouge, Mich.; and Michigan.

No. MC 105045 (Sub-No. 49G), filed June 4, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which, by reason of size or weight, require the use of special equipment, and *self-propelled articles*, each weighing 15,000 pounds or more, restricted to commodities transported on trailers, (1) between points in Ohio and Tennessee, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Maryland, Michigan, Missouri, Mississippi, Nebraska, Ohio, Oklahoma, Texas, Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateways at points in Kentucky, and points in

West Virginia. (2) between points in Virginia, Maryland, West Virginia, Pennsylvania, and the District of Columbia, on the one hand, and, on the other, points in Georgia, Florida, Alabama, and Michigan. The purpose of this filing is to eliminate the gateways at points in Kentucky. (3) between points in Virginia on and west of U.S. Highway 11, on the one hand, and, on the other, points in Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateways at points in West Virginia.

No. MC 107515 (Sub-No. 918G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Suite No. 375, Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from Pampa, Lubbock (Burris), Amarillo, San Angelo, Palestine, Abilene, Paris, and Houston, Tex., to points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, and Massachusetts. The purpose of this filing is to eliminate the gateways at Tifton, Ga., Madison, Tenn., Gatesville, N.C., Rocky Mount, N.C., and Charlotte, N.C.

No. MC 119531 (Sub-No. 156G), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 1835 West Main, Zanesville, Ohio 43701. Applicant's representative: Paul F. Beery, 8 East Broad Street, Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Fibre drums*, from Van Wert, Ohio, to points in West Virginia. The purpose of this filing is to eliminate the gateways of Anderson, Ind. and Circleville, Ohio. (2) *pulpboard in rolls, and indented paper and indented pulpboard packing pads*, from Massillon, Ohio, to points in West Virginia and Indiana. The purpose of this filing is to eliminate the gateways of Erie, Pa., and Cleveland, Ohio. (3) *fibreboard containers and fibreboard sheets*, from Butler, Ind., to points in Illinois and Michigan. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio. (4) *corrugated boxes*, knocked down, from Owosso, Mich., to points in Indiana and Ohio. The purpose of this filing is to eliminate the gateways of Lawrenceburg, Ind., and Cleveland, Ohio.

No. MC 136166 (Sub-No. 7G) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER October 1, 1974. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oreg. 97208. The above application for the elimination of gateways was published with an incorrect docket number—previously published as MC 136116 (Sub-No.

7G). The application remains as previously published.

INTERSTATE COMMERCE COMMISSION OFFICE OF PROCEEDINGS

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

NOTICE

OCTOBER 30, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 26396 (Sub-No. E3), filed June 4, 1974. Applicant: POPELKA TRUCKING COMPANY, d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, Montana 59047. Applicant's representative: Jacob P. Billig, 1126 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wooden beams, glue laminated wooden beams, and roof-decking*, (1) from points in Montana and Wyoming within 100 miles of Bridger, Mont., including Bridger, Mont., to points in Minnesota on and east of U.S. Highway 53, and points in Wisconsin on and east of a line beginning at the Minnesota-Wisconsin State line, thence along U.S. Highway 2 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Illinois State line. (2) from Livingston, Mont., to points in North Dakota, South Dakota, Minnesota, Wisconsin, Nebraska, Iowa, Colorado, points in Wyoming on and east of a line beginning at the Montana-Wyoming State line, thence along Wyoming Highway 120 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado State line, and points in Utah on and

south of a line beginning at the Wyoming-Utah State line, thence along Utah Highway 44 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Utah Highway 88, thence along State Highway 88 to junction Green River, thence along the Green River to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Utah Highway 72, thence along Utah Highway 72 to junction Utah Highway 24, thence along Utah Highway 24 to junction Utah Highway 62, thence along Utah Highway 62 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 20, thence along Utah Highway 20 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line. The purpose of this filing is to eliminate the gateway of Columbus, Montana.

No. MC 26396 (Sub-No. E4), filed June 4, 1974. Applicant: POPELKA TRUCKING COMPANY, d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 1126 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wooden beams, glue laminated wooden beams, and roof-decking*, from Belgrade, Manhattan, and Trident, Mont., to points in North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Nebraska, Colorado, points in Wyoming on and east of a line beginning at the Montana-Wyoming State line, thence along Wyoming Highway 120 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado State line, and points in Utah on and east of a line beginning at the Wyoming-Utah State line, thence along Utah Highway 44 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Green River, thence along the Green River to its junction with the Colorado River, thence along the Colorado River to Lake Powell, thence along the eastern shore of Lake Powell to the Utah-Arizona State line. The purpose of this filing is to eliminate the gateway of Columbus, Mont.

No. MC 74169 (Sub-No. E7), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Idaho, on the one hand, and, on the other, points in West Virginia, Virginia, and points in that part of Kentucky on and east of U.S. Highway 41; (2) between points in that part of Idaho on and south of U.S. Highway 26, on the one hand, and, on

the other, points in that part of South Dakota on and south of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 16 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-South Dakota State line; and (3) between points in that part of Idaho on and north of U.S. Highway 12, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateways of points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Morrill, Scotts Bluff, and Banner Counties, Nebr., Council Bluffs, Iowa, and points in Illinois for points in (1) and (3) above, and points in Morrill, Scotts Bluff, and Banner Counties, Nebr., for points in (2) above.

No. MC-74169 (Sub-No. E8), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in that part of Idaho on and south of U.S. Highway 26, on the one hand, and, on the other, Detroit, Mich.; (2) between points in Idaho, on the one hand, and, on the other, Council Bluffs, Iowa; (3) between points in that part of Idaho on and south of U.S. Highway 26, on the one hand, and, on the other, points in Iowa (except points in Plymouth, Sioux, Lyon, and Osceola Counties); and (4) between points in Idaho, on the one hand, and, on the other, points in that part of Kansas on and east of U.S. Highway 99, and points in Missouri. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., and points in Morrill, Scotts Bluff, and Banner Counties, Nebr., for points in (1) above; points in Morrill, Scotts Bluff, and Banner Counties, Nebr., for points in (2) above, and Council Bluffs, Iowa, and points in Morrill, Scotts Bluff, and Banner Counties, Nebr., for points in (3), (4), and (5) above.

No. MC 74169 (Sub-No. E9), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in that part of Idaho on and south of U.S. Highway 26, on the one hand, and, on the other, points in that part of Minnesota on, south, and east of a line beginning at the Iowa-Minnesota State Line, thence along Minnesota Highway 60 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway

12, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line; (2) between points in Idaho, on the one hand, and, on the other, points in Illinois; (3) between points in Idaho, on the one hand, and, on the other, points in Lawrence, Monroe, Orange, and Greene Counties, Ind.; and (4) between points in that part of Colorado on and north of U.S. Highway 61 on the one hand, and, on the other, points in Maryland and Virginia. The purpose of this filing is to eliminate the gateways of points in Morrill, Scotts Bluff, and Banner Counties, Nebr., and Council Bluffs, Iowa, for points in (1), (2), and (3) above; points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Morrill, Scotts Bluff, and Banner Counties, Nebr., points in Illinois, and Council Bluffs, Iowa, for points in (4) above.

No. MC 74169 (Sub-No. E10), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in that part of Colorado on, west, and north of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 85 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line, on the one hand, and, on the other, points in New York; (2) between points in that part of Colorado on and north of U.S. Highway 6, on the one hand, and, on the other, points in West Virginia; (3) between points in that part of Colorado on and north of U.S. Highway 6, on the one hand, and, on the other, points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 62 to junction U.S. Highway 19, thence along U.S. Highway 19 to the Pennsylvania-West Virginia State line; (4) between Durango, Colo., on the one hand, and, on the other, points in the Lower Peninsula of Michigan (except points in Berrien, Cass, Van Buren, and Allegan Counties); and (5) between points in Colorado on the one hand, and, on the other, points in Greene, Lawrence, Monroe, and Orange Counties, Ind. The purpose of this filing is to eliminate the gateways of points in Greene, Lawrence, Monroe, and Orange Counties, Ind., Morrill, Scotts Bluff, and Banner Counties, Nebr., points in Illinois, and Council Bluffs, Iowa for points in (1), (2) and (3) above; Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., and points in Illinois for points in (4) above; and Council Bluffs, Iowa, for points in (5) above.

No. MC 74169 (Sub-No. E11), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a common

carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in that part of Colorado on and north of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 24 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 550, thence along U.S. Highway 550 to the New Mexico-Colorado State line, on the one hand, and, on the other, Detroit, Mich.; (2) between points in Colorado, on the one hand, and, on the other, points in Ohio; (3) between points in that part of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 85 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Utah-Colorado State line, on the one hand, and, on the other, points in that part of Kentucky on and east of Interstate Highway 65 (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., and points in Illinois*); (4) between Durango, Colo., on the one hand, and, on the other, points in Minnesota; and (5) between points on that part of Colorado on and west of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 87 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 550, thence along U.S. Highway 550 to the New Mexico-Colorado State line, on the one hand, and, on the other, Minneapolis, St. Paul, and Duluth, Minn. (Council Bluffs, Iowa, and points in Morrill, Scotts Bluff, and Banner Counties, Nebr.*). The purpose of this filing is to eliminate the gateways designated by the asterisks above.

No. MC 74169 (Sub-No. E12), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Moffat County, Colo., on the one hand, and, on the other, points in that part of Missouri on and east of U.S. Highway 63; (2) between Fort Collins, Colo., on the one hand, and, on the other, points in that part of Missouri on and east of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 63 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Missouri State line (Council Bluffs, Iowa, and points in Morrill, Scotts Bluff, and Banner Counties, Nebr.*); (3) between points in Colorado, on the one hand, and, on the other, points in Iowa (Council Bluffs, Iowa*); (4) between points in Logan, Sedgwick, and

Phillips Counties, Colo., on the one hand, and, on the other, points in Idaho; and (5) between points in that part of Colorado east of the Continental Divide, on the one hand, and, on the other, points in that part of Idaho on and north of U.S. Highway 12 (points in Morrill, Scotts Bluff, and Banner Counties, Neb.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 74169 (Sub-No. E13), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Neb. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in that part of Colorado on and west of U.S. Highway 85, on the one hand, and, on the other, points in South Dakota; (2) between points in that part of Colorado, on the one hand, and, on the other, points in that part of South Dakota south and west of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 385 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 85, thence along U.S. Highway 85 to the North Dakota-South Dakota State line (points in Morrill, Scotts Bluff, and Banner Counties, Neb.*); (3) between points in Colorado, on the one hand, and, on the other, points in that part of Nebraska on and east of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 77 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line (Council Bluffs, Iowa*); (4) between points in Moffat County, Colo., on the one hand, and, on the other, points in Nebraska (points in Morrill, Scotts Bluff, and Banner Counties, Neb.*); and (5) between points in Missouri, on the one hand, and, on the other, points in Dixon and Dakota Counties, Neb. (Council Bluffs, Iowa*). The purpose of this filing is to eliminate the gateways designated by asterisks above.

No. MC 77005 (Sub-No. E2), filed May 19, 1974. Applicant: POINT TRANSPORTER, INC., P.O. Box 10392, Pittsburgh, Pa. 15234. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, machinery, and electrical appliances*, between Pittsburgh, Pa., located on and east of U.S. zone, and points within 15 miles of Pittsburgh, Pa., located on and east of U.S. Highway 19, on the one hand, and, on the other, points in Ohio (except points east and north of a line beginning at Fairport Harbor, Ohio, and extending along Ohio Highway 44 to junction U.S. Highway 422, thence over U.S. Highway 422 to junction Ohio Highway 82, and thence over Ohio Highway 82 to the Ohio-Pennsylvania State line, and except points east and south of a line be-

ginning at Steubenville, Ohio, and extending along U.S. Highway 22 to junction Interstate Highway 77, and thence over Interstate Highway 77 to the Ohio-West Virginia State line). The purpose of this filing is to eliminate the gateway of Coraopolis, Pa., and points in Neville, Crescent, and Moon Townships, Allegheny County, Pa.

No. MC 93393 (Sub-No. E6), filed June 4, 1974. Applicant: NIGHTWAY TRANSPORTATION CO., 4100 S. Emerald Street, Austin, Minn. 55912. Applicant's representative: William H. Towle, Suite 1133, 127 North Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles), from the plant site of the Agar Packing Company at Momence, Ill., to points in that part of Indiana on and south of a line beginning at the Indiana-Ohio State line, thence along Indiana Highway 32 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction Indiana Highway 61, thence along Indiana Highway 61 to the Ohio River, and points in that part of Ohio on and south of a line beginning at Lorain, thence along Ohio Highway 58 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction Ohio Highway 430, thence along Ohio Highway 430 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 47, thence along Ohio Highway 47 to the Indiana-Ohio State line. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the plant site of the Agar Packing Co., at Momence, Ill. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 93393 (Sub-No. E7), filed June 4, 1974. Applicant: NIGHTWAY TRANSPORTATION CO., 4100 South Emerald Ave., Chicago, Ill. 60609. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Co., near Sterling, Ill., to points in that part of Ohio, on and south of a line beginning at the Ohio-Pennsylvania State line, thence along Ohio Highway 5 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 47,

thence along Ohio Highway 47 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 93393 (Sub-No. E8), filed June 4, 1974. Applicant: NIGHTWAY TRANSPORTATION CO., 4100 South Emerald Ave., Chicago, Ill. 60609. Applicant's representative: William H. Towle, Suite 1133, 127 North Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Cheese products*, and (2) *Meats, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles), from the plant site of Swift & Co., at Rochelle, Ill., to points in that part of Indiana on and south of a line beginning at the Ohio-Indiana State line, thence along Indiana Highway 32 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Indiana Highway 67, thence along U.S. Highway 67 to the Indiana-Illinois State line, and points in that part of Ohio on and south of a line beginning at the Indiana-Ohio State line thence along Ohio Highway 47 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 229, thence along Ohio Highway 229 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Pennsylvania State line. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the plant site of Swift & Co., at Rochelle, Ill. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 106398 (Sub-No. E46), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, when transported on wheeled undercarriages equipped with hitch-ball connector, other than from origins which are points of manufacture, from the plantsite of Arbor Modules, Inc., at Waterbury, Conn., to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, South Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateways of any point in New York.

No. MC 106398 (Sub-No. E58), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329,

Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, in sections, when transported on wheeled undercarriages equipped with hitch-ball connector other than from origins which are points of manufacture, from points in New York and Massachusetts, to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. The purpose of this filing is to eliminate the gateway of any point in New York or Massachusetts.

No. MC 106398 (Sub-No. E59), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, with parts and accessories, from points in New York and Massachusetts, to points in Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, and Ohio. The purpose of this filing is to eliminate the gateways of any point in Pennsylvania.

No. MC 106398 (Sub-No. E60), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, and sections, panels, parts and accessories thereof*, from points in New York and Massachusetts, to points in New Mexico. The purpose of this filing is to eliminate the gateway of any points in Pennsylvania.

No. MC 106398 (Sub-No. E61), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, assembled, partially assembled, or unassembled* from points in New York and Massachusetts, to points in California, Nevada, and Arizona, restricted against the transportation of trailers or mobile homes designed to be drawn by passenger automobiles and oil field and industrial buildings. The purpose of this filing is to eliminate the

gateways of (1) any points in Pennsylvania, (2) Des Moines, Iowa, and (3) any point in New Mexico.

No. MC 106398 (Sub-No. E62), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, including component parts of such building when shipped therewith, from points in New York and Massachusetts, to points in Minnesota, South Dakota, Nebraska, and Kansas. The purpose of this filing is to eliminate the gateway of any points in Pennsylvania.

No. MC 106398 (Sub-No. E63), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, including component parts of such buildings when shipped therewith (except commodities the transportation of which because of size or weight requires the use of special equipment), from points in New York and Massachusetts, to points in Maine, New Hampshire, Vermont, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of any points in New York or Massachusetts.

No. MC 106398 (Sub-No. E66), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, including component parts of such buildings when shipped therewith (except commodities the transportation of which because of size or weight require the use of special equipment), from points in Florida, to points in New York and Massachusetts. The purpose of this filing is to eliminate the gateway of Hanover, Pa.

No. MC 106398 (Sub-No. E67), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, including component parts of such buildings when shipped therewith (except commodities the transportation of which because of size and weight require the use of special equipment), from points in New York and Massachusetts, to points in Florida. The purpose of this filing is to eliminate the gateway of Hanover, Pa.

No. MC 106398 (Sub-No. E68), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, including component parts of such building when shipped therewith, from points in New York and Massachusetts, to the District of Columbia and points in Maryland. The purpose of this filing is to eliminate the gateway of Hanover, Pa.

No. MC 106398 (Sub-No. E69), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Prefabricated buildings*, including component parts of such buildings when shipped therewith, from the District of Columbia, and points in Maryland, to points in New York and Massachusetts. The purpose of this filing is to eliminate the gateway of Hanover, Pa.

No. MC 106398 (Sub-No. E70), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, from points in Massachusetts, New York, Pennsylvania, and West Virginia, to points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Parkersburg, W. Va.

No. MC 106398 (Sub-No. E71), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, including component parts of such buildings, when shipped therewith, from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, to points in New York and Massachusetts. The purpose of this filing is to eliminate the gateways of any point in Pennsylvania.

No. MC 106398 (Sub-No. E72), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, in sections, when transported on wheeled undercarriages equipped with hitch-ball connector, other than from origins which are points of manufacture,

from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Florida, Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Colorado, New Mexico, Utah, Arizona, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of any point in Louisiana, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Tennessee, Arkansas, Missouri, Illinois, Kentucky, West Virginia, Virginia, Pennsylvania, Ohio, Indiana, Michigan, Wisconsin, or Iowa.

No. MC 106398 (Sub-No. E73), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, including component parts of such buildings when shipped therewith (except commodities the transportation of which because of size and weight requires the use of special equipment), from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, to points in Maine, New Hampshire, Vermont, and Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateways of any point in Pennsylvania.

No. MC 106398 (Sub-No. E74), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, including component parts of such buildings when shipped therewith (except commodities the transportation of which because of size and weight requires the use of special equipment), from points in Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Tennessee, and Kentucky, to points in Maine, New Hampshire, Vermont, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of any point in New York, Massachusetts, or Pennsylvania.

No. MC 106401 (Sub-No. E15), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, North Carolina 28234. Applicant's representative: Thomas G. Sloan (Same as above). Authority sought to op-

erate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Russell County, Ala., to points in South Carolina west and north of a line consisting of the western and northern boundaries of Horry, Georgetown, Williamsburg, Clarendon, Calhoun, Orangeburg, and Barnwell Counties (except points on U.S. Highway 29 and U.S. Highway Alternate 29, points on U.S. Highway 23 and U.S. Highway 123, points on U.S. Highway 1, points on U.S. Highway 76 between Columbia and Florence, points on U.S. Highway 15 between Sumter and the junction of U.S. Highway 52 at or near Society Hill, and points on U.S. Highway 52 between Florence and Cherow). The purpose of this filing is to eliminate the gateways of Columbus, Georgia, and Graniteville, South Carolina.

No. MC 106401 (Sub-No. E16), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, North Carolina 28234. Applicant's representative: Thomas G. Sloan (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Russell County, Alabama, on the one hand, and, on the other, Charleston, and points within ten miles thereof. The purpose of this filing is to eliminate the gateway of Columbus, Georgia.

No. MC 106401 (Sub-No. E18), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, North Carolina 28234. Applicant's representative: Thomas G. Sloan (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between (except Atlanta) points in Georgia on and north of Interstate Highway 85, on the one hand, and, on the other, points in Charlestown, Georgetown, Horry, Berkeley, Dorchester, Colleton, Buford, and Jasper Counties, South Carolina, (2) between points in Georgia on and south of Interstate Highway 20, from the Georgia-South Carolina State line to Atlanta, thence along Interstate Highway 85 to the Georgia-Alabama State line (except Atlanta), on the one hand, and, on the other, points in Charleston, Georgetown, Horry, Berkeley, Dorchester, and Colleton Counties, South Carolina,

between points in Georgia south of a line from the Georgia-South Carolina State line along Interstate Highway 85, to Atlanta, and north of a line from Atlanta along Interstate Highway 20, to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Charleston, Georgetown, Horry, Berkeley, and that portion of Dorchester County lying on and south of South Carolina Highways 27 and 61. The purpose of this filing is to eliminate the gateway of Charleston, South Carolina, and points within 10 miles thereof.

No. MC 107002 (Sub-No. E2) (Correction), filed April 16, 1974, published in the FEDERAL REGISTER May 31, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Liquid chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Fox, Ala., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Cedartown, Ga. (b) *Liquid chemicals*, in bulk, in tank vehicles, from Fox, Ala., to points in Illinois, Missouri, Kansas, and points in that part of Indiana on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Collierville, Tenn. (c) *Liquid chemicals*, in bulk, in tank vehicles, from Fox, Ala., to points in Iowa and Wisconsin, restricted against the transportation of liquid hydrogen, liquid oxygen, and liquid nitrogen when moving to missile storage or launching sites, missile test facilities or manufacturing plants producing liquid hydrogen, liquid oxygen, or liquid nitrogen. The purpose of this filing is to eliminate the gateway of a point in Arkansas at the junction of Interstate Highway 55 and Arkansas Highway 18 which is within 10 miles of Barfield, Ark. (d) *Liquid chemicals*, in bulk, in tank vehicles, from Fox, Ala., to points in that part of Texas on and west of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of Hattiesburg, Miss. (e) *Liquid chemicals*, in bulk, in tank vehicles, from Fox, Ala., to points in Michigan. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. The purpose of this correction is to correct errors made in the previous publication.

No. MC 108119 (Sub-No. E2), filed June 13, 1974. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Roger L. Bond (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight require special handling or the use of special equipment, and related parts, materials, and supplies when their transportation is incidental to the transportation by carrier of commodities, which because of size or weight require special handling or the use of special equipment; and (2) *Self-propelled articles*,

each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in that part of South Dakota on, north, and east of a line beginning at the South Dakota-North Dakota State line, thence along U.S. Highway 83 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Minnesota State line, on the one hand, and, on the other, points in that part of Alabama west of a line beginning at the Alabama-Florida State line, thence along U.S. Highway 231 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Mississippi State line, points in that part of Florida west of a line beginning at St. Petersburg, thence along Interstate Highway 75 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Florida-Georgia State line, points in that part of Illinois west of a line beginning at the Illinois-Kentucky State line, thence along U.S. Highway 51 to junction Interstate Highway 74.

Thence along Interstate Highway 74 to the Illinois-Iowa State line, points in that part of Kansas on and east of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 77 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line, points in that part of Mississippi south of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 82 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Mississippi-Tennessee State line, points in that part of Nebraska on and east of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 77 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska-Iowa State line, points in that part of Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line, thence along Interstate Highway 35 to junction H. E. Bailey Turnpike, thence along the H. E. Bailey Turnpike to the Oklahoma-Texas State line, points in that part of Tennessee west of U.S. Highway 51, points in that part of Texas on and east of U.S. Highway 277, and points in Arkansas, Louisiana, and Missouri. Restriction: Operations to or from points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, and Wyoming are restricted against the transportation of farm machinery; and the operations authorized in (2) above are restricted to commodities which are transported by trailers. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 108449 (Sub-No. E180), filed May 24, 1974. Applicant: INDIANHEAD

TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, from Winona, Minn., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Welcome, Minn.

No. MC 108449 (Sub-No. E182), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. S. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, from points in that part of Illinois on and north of U.S. Highway 6, to points in Douglas, Burnett, Washburn, Polk, Barron, St. Croix, and Pierce Counties, Wis. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 108449 (Sub-No. E183), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Sterling and Rock Falls, Ill., to points on and west of a line beginning at Lake Superior and extending along Wisconsin Highway 13 to its junction with Wisconsin Highway 27, thence along Wisconsin Highway 27 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 108449 (Sub-No. E184), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sugar*, from Choska, Minn., to points in Wisconsin (except Milwaukee, Wisconsin). The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 108449 (Sub-No. E185), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in the Chesapeake, Ill., Commercial Zone, as defined by the Commission (except those points in Illinois on the north of U.S. Highway 6), to points in Iowa on and north of a line beginning at the Iowa-South Dakota State line, and extending along U.S. Highway 20 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to its junction with Iowa Highway 3, thence along Iowa Highway 3 to its junction with U.S. Highway 169,

thence along U.S. Highway 169 to its junction with U.S. Highway 18, thence along U.S. Highway 18 to its junction with Iowa Highway 24, thence along Iowa Highway 24 to its junction with Iowa 9, thence along Iowa Highway 9 to the Wisconsin-Iowa State line. The purpose of this filing is to eliminate the gateway of points in Minnesota on and south of a line beginning at the South Dakota-Minnesota State line, and extending along Minnesota Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to Red Wing, Minn., and thence north along U.S. Highway 63 to the Minnesota-Wisconsin State line.

No. MC 108449 (Sub-No. E186), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from points in Iowa on and east of a line beginning at the Minnesota-Iowa State line and extending along Iowa Highway 4 to its junction with Iowa Highway 175, thence along Iowa Highway 175 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to its junction with U.S. Highway 59, thence along U.S. Highway 59 to the Iowa-Missouri State line, to Grand Forks, North Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 108449 (Sub-No. E187), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in Wisconsin on and north and west of a line beginning at the Iowa-Wisconsin State line and extending along Wisconsin Highway 82 to its junction with Wisconsin Highway 27, thence along Wisconsin Highway 27 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to Ashland, to points in the Chicago, Ill., Commercial Zone, as defined by the Commission (except those points in Illinois on the north of U.S. Highway 6). The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 108449 (Sub-No. E189), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, from Sturgeon Bay, Wisconsin, to points in Iowa on and west of U.S. Highway 65. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 108449 (Sub-No. E190), filed June 2, 1974. Applicant: INDIANHEAD

TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from points in Wisconsin (except points in Douglas, Bayfield, Ashland, Iron, Burnett, Washburn, and Sawyer Counties, Wis.), to Grand Forks, North Dakota. The purpose of this filing is to eliminate the gateway of St. Paul, Minnesota.

No. MC 110420 (Sub-No. E36), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oil products*, in bulk, in tank vehicles, from Baltimore, Md., to points in (1) Colorado, Idaho, Montana, Utah, Wyoming, and that part of Nebraska in and west of U.S. Highway 281 (Janesville, Wis.)*; (2) that part of Missouri in and north of Independence, Lafayette, Saline, Howard, Boone, Audrain, and Pike Counties, that part of Illinois in and north of Hancock, McDonough, Fulton, Tazewell, McLean, Livingston, Grundy, Kendall, Kane, and McHenry counties, and the Upper Peninsula of Michigan (Janesville, Wis.)*; (3) Iowa (Janesville, Wis.)*; (4) Nebraska (Janesville, Wis., and Clinton, Iowa)*; (5) Nebraska (Janesville, Wis., and Clinton, Iowa)*; (6) that part of Texas in and west of Ochiltree, Roberts, Gray, Donley, Hall, Motley, Dickens, Kent, Fischer, Nolan, Choke, Sterling, Irion, Crockett, and Val Verde Counties, and that part of Kansas in and west of Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, and Comanche Counties (Janesville, Wis., and Kankakee, Ill.)*; (7) South Dakota, that part of North Dakota in, south, and west of Bottineau, McHenry, Sheridan, Burleigh, Kidder, Stutsman, Barnes, and Cass Counties, that part of Kansas in and west of Washington, Clay, Dickinson, Marion, Harvey, Sedgewick, and Sumner Counties (Janesville, Wis., Clinton, Iowa, and Fremont, Nebr.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E37), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oil products*, in bulk, in tank vehicles, from Beaumont, Tex., to points in: (1) that part of Ohio in and north of Paulding, Defiance, Henry, Wood, Seneca, Huron, Lorain, Medina, Summit, Cuyahoga Counties, that part of Illinois in and north of Henderson, Warren, Knox, Peoria, Marshall, La Salle, De Kalb, and Boone Counties, that part of Indiana in and north of Lake, Porter, La Porte, St.

Joseph, Elkhart, Noble, and De Kalb Counties, and the Upper Peninsula of Michigan (Janesville, Wis.)*; (2) Howard, Chickasaw, Bremer, Fayette, Winnebago, Alameda, and Clayton Counties, Iowa (Janesville, Wis.)*; (3) Phillips, Valley, Daniels, Roosevelt, and Sheridan Counties, Mont. (Janesville, Wis.)*; (4) that part on and north of a line beginning at the New York-Massachusetts State line, thence along U.S. Highway 20 to Pittsfield, thence along Massachusetts Highway 9 to junction Massachusetts Highway 32, thence along Massachusetts Highway 32 to junction Massachusetts Highway 62 at Barre, thence along Massachusetts Highway 62 to junction Interstate Highway 495, thence along Interstate Highway 495 to junction U.S. Highway 20, thence along U.S. Highway 20 to Boston including all points in Boston, that part of Pennsylvania in and north of Mercer, Venango, Clarion, Jefferson, Elk, Cameron, Clinton, and Potter Counties, and that part of New York in and north and west of Delaware, Green, and Columbia Counties (Janesville, Wis., and Carpentersville, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E38), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oil products*, in bulk, in tank vehicles, from Boonton, N.J., to points in: (a) Colorado, Idaho, Montana, Utah, Wyoming, and that part of Nebraska on and west of U.S. Highway 281 (Janesville, Wis.)*; (b) the Upper Peninsula of Michigan, that part of Missouri in, north, and west of McDonald, Newton, Lawrence, Green, Webster, Wright, Laclede, Pulaski, Miller, Cole, Callaway, Audrain, and Ralls Counties, and that part of Illinois in, north, and west of Hancock, McDonough, Fulton, Tazewell, Woodford, Livingston, Grundy, Kendall, Kane, and McHenry Counties (Janesville, Wis.)*; (c) Iowa (Janesville, Wis.)*; (d) Nebraska (Janesville, Wis., and Clinton, Iowa)*; and (e) North Dakota and South Dakota (Janesville, Wis., Clinton, Iowa, and Fremont, Nebr.)*; and (2) *Fatty acid products*, in bulk, in tank vehicles, from Boonton, N.J., to points in that part of Kansas in, north, and west of Comanche, Kiowa, Pratt, Reno, Harvey, Marion, Morris, Wabasha, Shawnee, Jackson, and Atchison Counties, and that part of Texas in and west of Grayson, Collin, Rockwell, Dallas, Ellis, Navarro, Freestone, Leon, Madison, Grimes, Waller, Austin, Wharton, and Matagorda Counties (Janesville, Wis., and Kankakee, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E51), filed June 4, 1974. Applicant: QUALITY CAR-

RIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Alkyl trimethyl ammonium chloride (arquads)*, in bulk, in tank vehicles, from Mapleton, Ill., to points in and east of Franklin, Herkimer, Otsego, Chenango, and Broome Counties, N.Y., and points in and east of Hartford and Middlesex Counties, Conn. The purpose of this filing is to eliminate the gateway of Milwaukee, Wis., and Chicago, Ill.

No. MC 110420 (Sub-No. E52), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Latex emulsion*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Florida (Ringwood, Ill.)*. (2) *Paint, paint materials, resins, varnishes, and lacquers*, from Milwaukee, Wis., to points in Tennessee (plant site of Mobil Finishes Co., Inc., at Kankakee, Ill.)*. (3) *Fatty acid products and epoxy resins*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Texas (except Houston and points within 50 miles thereof) (the plant site of General Mills, Inc., at Kankakee, Ill.)*. (4) *Liquid adhesives*, in bulk, in tank vehicles, from Milwaukee, Wis., to Denver, Colo. (Chicago, Ill.)*. (5) *Enzyme textile softeners*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in North Dakota (except Cavalier, Pembina, Walsh, Grand Forks, and Trail Counties), South Dakota, Oklahoma, Texas, Louisiana, Mississippi, Georgia, Florida, and that part of Tennessee in and west of Henry, McKenzie, Madison, Haywood, and Fayette Counties (Clinton, Iowa)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E53), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Varnish*, in bulk, in tank vehicles, from Sheboygan, Wis., to points in Florida and Georgia (Ringwood, Ill., and Saukville, Wis.)*. (2) *Varnish and synthetic resins*, in bulk, in tank vehicles, from Sheboygan, Wis., to points in Alabama, Arkansas, Mississippi, North Carolina, and Oklahoma (Ringwood, Ill., and Saukville, Wis.)*. (3) *Paints, paint materials, resins, varnishes, and lacquers*, from Sheboygan, Wis., to points in Kansas, North Carolina, and Tennessee (the plant site of Mobil Finishes Co., Inc., at Kankakee, Ill.)*. (4) *Fatty acid products and epoxy resins*, in bulk, in tank vehicles, from Sheboygan, Wis., to points in Kansas and

Texas (except Houston and points within 50 miles thereof) (the plant site of General Mills, Inc., at Kankakee, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E896), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Penn. 19335. Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from El Dorado, Penn., and points within 10 miles thereof, to (1) points in Massachusetts, Connecticut, and Rhode Island (Cumberland, Maryland, points in Aston Township, Penn., and Philadelphia, Penn., and Ft. Lee, New Jersey)*, (2) to New York, New York, and points in Nassau and Suffolk Counties, New York (Cumberland, Maryland, points in Aston Township, Penn., and Philadelphia, Penn.)*, and (3) to points in that part of New Jersey on and east of New Jersey Highway 31 (Cumberland, Maryland, and points in Aston Township, Penn.)*, restricted in (1) and (3) above against the transportation of liquid wax and commodities requiring attached heated equipment. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110988 (Sub-No. E6), filed May 23, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 W. Cecil Street, Neenah, Wisconsin 54956. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sulphite waste liquor*, in bulk, in tank vehicles, (1) from Niagara, Kimberly, and Wisconsin Rapids, Wisc., to points in that part of Florida on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 221 to junction Florida Highway 361A, thence along Florida Highway 361A to the Gulf of Mexico; and (2) from Rhinelander, Wisc., to points in Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida. The purpose of this filing is to eliminate the gateways of Groos, Michigan, and Green Bay, Wisconsin.

No. MC 111545 (Sub-No. E59), filed May 23, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Tennessee on, south, and east of a line beginning at the Tennessee-Georgia State line, thence along U.S. Highway 11 to Knoxville, thence along Tennessee Highway 33 to Tazewell, thence along U.S. Highway 25E to the Tennessee-Virginia State line, on the one

hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Arkansas State line, thence along U.S. Highway 59 to Marshall, thence along U.S. Highway 80 to Longview, thence along U.S. Highway 259 to junction U.S. Highway 59, thence along U.S. Highway 59 to Victoria, thence along U.S. Highway 87 to Port Lavaca. The purpose of this filing is to eliminate the gateway of (1) points in that part of Georgia within 50 miles of Atlanta, Cartersville, or Marietta, Ga., and within 175 miles of Chattanooga, Tenn., and (2) points in Oklahoma.

No. MC 111545 (Sub-No. E66), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (except commodities to be used in, or in connection with, main or trunk pipelines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Alabama within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateways of (1) points in that part of Tennessee or that part of Kentucky within 175 miles of Chattanooga, Tenn., (2) points in Iowa, and (3) points in that part of Kansas within 100 miles of Kansas City, Kansas, and within 300 miles of Ames, Iowa, or that part of Missouri within 100 miles of Kansas City, Kansas.

No. MC 111545 (Sub-No. E184), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Freight pallets*, from Talladega, Ala., to points in Indiana and that part of Illinois on, north, and east of a line beginning at the Illinois-Kentucky State line, thence along U.S. Highway 45 to Vienna, thence along Illinois Highway 146 to Boies, thence along Illinois Highway 37 to Marion, thence along Illinois Highway 13 to Murphysboro, thence along Illinois Highway 149 to junction Illinois Highway 3, thence along Illinois Highway 3 to Chester, thence along Illinois Highway 150 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of Cookeville, Tennessee.

No. MC 111545 (Sub-No. E189), filed May 21, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between

points in that part of Tennessee on and south of a line beginning at the Tennessee-Georgia State line, thence along U.S. Highway 11 to Athens, thence along Tennessee Highway 30 to Etowah, thence along U.S. Highway 411 to the Georgia-Tennessee State line, on the one hand, and, on the other, points in that part of West Virginia on, east, and north of a line beginning at the West Virginia-Ohio State line, thence along Interstate Highway 77 to junction West Virginia Highway 99, thence along West Virginia Highway 99 to Beckley, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of points in that part of North Carolina within 175 miles of Chattanooga, Tennessee.

No. MC 111545 (Sub-No. E200), filed May 21, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of South Carolina within 150 miles of Charlotte, N.C., on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Charlotte, N.C., and points in North Carolina within 150 miles thereof.

No. MC 111545 (Sub-No. E205), filed May 21, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30060. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, from points in Vermont to points in that part of Arkansas on and west of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 71 to Alma, thence along U.S. Highway 64 to Russellville, thence along Arkansas Highway 7 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateways of (1) Atlanta, Cartersville, or Marietta, Georgia, or points in Georgia or South Carolina within 50 miles thereof, and (2) points in Oklahoma.

No. MC 111545 (Sub-No. E235), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of

Alabama within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in Georgia (except points within 175 miles of Chattanooga, Tenn.). The purpose of this filing is to eliminate the gateway of points in that part of Georgia within 175 miles of Chattanooga, Tenn.

No. MC 111545 (Sub-No. E249), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines, and commodities to be used in, or in connection with, main or trunk pipelines), the transportation of which, because of size or weight, requires the use of special equipment, (1) between Ehrenberg and Topock, Ariz., on the one hand, and, on the other, points in that part of West Virginia on and north of a line beginning at the West Virginia-Ohio State line, thence along U.S. Highway 250 to Fairmont, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line; and (2) between points in that part of Arizona on and west of a line beginning at the International Boundary line between the United States and Mexico, thence along U.S. Highway 89 to Tucson, thence along Interstate Highway 10 to Phoenix, thence along Interstate Highway 17 to Flagstaff, thence along U.S. Highway 89 to the Arizona-Utah State line, on the one hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the West Virginia-Ohio State line, thence along U.S. Highway 50 to Clarksburg, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Kansas, on points in Kansas within 100 miles thereof, (2) points in that part of Georgia within 175 miles of Chattanooga, Tennessee, and within 50 miles of Atlanta, Marietta, or Cartersville, Georgia, and (3) points in that part of North Carolina within 175 miles of Chattanooga, Tenn.

No. MC 111545 (Sub-No. E260), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines and commodities to be used in, or in connection with, main or trunk pipelines), the transportation of which, because of size or weight, requires the use of the special equipment, (1) between points in Arizona, on the one hand, and, on the other, points in Virginia, (except points within 175 miles of Chattanooga, Tenn.) (1) Kansas City, Kansas, or points in Kansas within 100 miles thereof, and (2) Charlotte, North Carolina);* and (2) between points in

Arizona, on the one hand, and, on the other, points in that part of Virginia within 175 miles of Chattanooga, Tenn., (1) points in that part of Missouri within 100 miles of Kansas City, Kansas, and (2) points in that part of North Carolina, that part of South Carolina, or that part of Georgia within 175 miles of Chattanooga, Tenn.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 111545 (Sub-No. E261), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines, and commodities to be used in, or in connection with, main or trunk pipelines), the transportation of which, because of size or weight requires the use of special equipment, (1) between points in Arizona, on the one hand, and, on the other, points in that part of New York on and east of U.S. Highway 15; and (2) between points in New York, on the one hand, and, on the other, points in that part of Arizona on and west of a line beginning at Nogales, thence along U.S. Highway 89 to Tucson, thence along Interstate Highway 10 to Phoenix, thence along Interstate Highway 17 to Flagstaff, thence along U.S. Highway 89 to the Arizona-Utah State line. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Kansas, or points in Kansas within 100 miles thereof, and (2) Charlotte, North Carolina, or Atlanta, Cartersville, or Marietta, Georgia, or Columbia, South Carolina, or points in North Carolina, South Carolina, or Georgia within 50 miles thereof.

No. MC 111545 (Sub-No. E269), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Maryland, on and east of U.S. Highway 11, on the one hand, and, on the other, points in that part of Kansas on and south of a line beginning at the Kansas-Colorado State line, thence along Kansas Highway 96 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Kansas Highway 196, thence along Kansas Highway 196 to El Dorado, thence along U.S. Highway 77 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 39, thence along Kansas Highway 39 to Chanute, thence along Kansas Highway 57 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Atlanta, Cartersville, or Marietta, Georgia, or points in Georgia

or South Carolina within 50 miles thereof.

No. MC 111545 (Sub-No. E270), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Iowa on and east of U.S. Highway 71, to points in Colorado. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC 111545 (Sub-No. E286), filed May 19, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines, agricultural machinery and implements, other than hand, as defined by the Commission), the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Florida on and east of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 319 to Wakulla, thence along Florida Highway 363 to St. Marks, to points in New Mexico. The purpose of this filing is to eliminate the gateway of (1) Atlanta, Cartersville, or Marietta, Ga., or Columbia, S.C., or points in Georgia or South Carolina within 50 miles thereof, and (2) points in Oklahoma.

No. MC 111545 (Sub-No. E325), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline rights-of-way), (1) from points in Florida and Georgia to points in Idaho ((1) Atlanta, Cartersville, or Marietta, Ga., or points in Georgia within 50 miles thereof, (2) points in Oklahoma, and (3) the plant site and warehouse facilities of Western Foundry Company at or near Tyler, Tex.);* and (2) from points in Mississippi, to points in Idaho (the plant site and warehouse facilities of Western Foundry Company, at or near Tyler, Tex.)*, restricted in (2) above against the transportation of machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies

used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and restricted in (1) and (2) above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 111545 (Sub-No. E350), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, indicator posts, floor stands, fittings, sleeves, and covers*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on and south of a line beginning at the Tennessee-Georgia State line, thence along U.S. Highway 11 to Knoxville, thence along U.S. Highway 11W to the Tennessee-Virginia State line, to points in Colorado. The purpose of this filing is to eliminate the gateway of Anniston, Ala.

No. MC 111545 (Sub-No. E378), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities (except knitting machines)*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Delaware, on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at the Illinois-Missouri State line, thence along Illinois Highway 150 to Chester, thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to Murphysboro, thence along Illinois Highway 13 to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateway of Atlanta, Cartersville, or Marietta, Georgia, or Columbia, South Carolina, or points in Georgia or South Carolina within 50 miles thereof.

No. MC 111545 (Sub-No. E460), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities (except knitting machines)*, the transportation of which, be-

cause of size or weight, requires the use of special equipment, between the District of Columbia, on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at the Illinois-Missouri State line, thence along Illinois Highway 150 to Chester, thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to Murphysboro, thence along Illinois Highway 13 to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateway of Atlanta, Cartersville, or Marietta, Ga., or Columbia, S.C., or points in Georgia or South Carolina within 50 miles thereof.

No. MC 111545 (Sub-No. E494), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on, south, and east of a line beginning at the Tennessee-Virginia State line, thence along U.S. Highway 25E to Tazewell, thence along Tennessee Highway 33 to Knoxville, thence along Interstate Highway 40 to Nashville, thence along Interstate Highway 24 to Murfreesboro, thence along U.S. Highway 231 to the Tennessee-Alabama State line, on the one hand, and, on the other, points in that part of New York on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of points in that part of North Carolina, that part of South Carolina, or that part of Georgia within 175 miles of Chattanooga, Tennessee.

No. MC 111545 (Sub-No. E500), filed May 19, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities (except knitting machines)*, the transportation of which, because of size or weight, requires the use of special equipment, (1) between points in that part of Maryland on and east of U.S. Highway 11, on the one hand, and, on the other, points in Oklahoma; and (2) between points in Maryland, on the one hand, and, on the other, points in that part of Oklahoma on and south of a line beginning at the Oklahoma-Arkansas State line, thence along Interstate Highway 40 to junction with Muskogee Turnpike, thence along the Muskogee Turnpike to Tulsa, thence along U.S. Highway 66 to Clinton, thence along U.S. Highway 183 to the Oklahoma-Kansas State line. The purpose of this filing is to eliminate the gateway of Atlanta, Cartersville, or Marietta, Ga., or points in Georgia within 50 miles thereof.

No. MC 111545 (Sub-No. E534), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities (except knitting machines)*, the transportation of which, be-

cause of size or weight, requires the use of special equipment, between the District of Columbia, on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at the Illinois-Missouri State line, thence along U.S. Highway 80 to Jackson, thence along U.S. Highway 49 to Hattiesburg, thence along U.S. Highway 98 to the Mississippi-Alabama State line, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 65 to Chillicothe, thence along U.S. Highway 36 to junction Missouri Highway 13, thence along Missouri Highway 13 to Deepwater, thence along Missouri Highway 52 to junction U.S. Highway 71, thence along U.S. Highway 71 to Joplin, thence along Interstate Highway 44 to the Missouri-Oklahoma State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 111545 (Sub-No. E559), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities (other than machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof)*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Mississippi on and south of U.S. Highway 80, to points in Kansas. The purpose of this filing is to eliminate the gateways of points in Texas and Oklahoma.

No. MC 113388 (Sub-No. E1), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 7, 1974. Applicant: LESTER C. NEWTON

TRUCKING CO., P.O. Box 618, Seaford, Del. 19973. Applicant's representative: Charles Ephraim, 1250 Conn. Ave NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Dover, Del., to points in Florida and points in that part of Georgia on, south, and west of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 34 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Georgia Highway 109, thence along Georgia Highway 109 to junction Georgia Highway 18, thence along Georgia Highway 18 to U.S. Highway 341, thence along U.S. Highway 341 to junction Georgia Highway 11, thence along Georgia Highway 11 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction Georgia Highway 182, thence along Georgia Highway 182 to junction U.S. Highway 319, thence along U.S. Highway 319 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateway of Robbinsville, N.J. (8) (b) from points in that part of New Jersey on and north of a line beginning at Barneget Bay and extending along New Jersey Highway 530 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to the Rancocas River, thence along the Rancocas River to the Pennsylvania-Delaware State line to points in Madison, Hamilton, Suwanee, Columbia, Baker, Nassau, and Duval Counties, Fla., and the District of Columbia. The purpose of this filing is to eliminate the gateways of Dover, Del., and Robbinsville, N.J. (14) from Princess Anne, Md., and points within 15 miles thereof (not including Salisbury, Md.), to points in Maine, New Hampshire, Vermont, points in Massachusetts (except those in Berkshire, Franklin, Hampshire, and Hamden Counties, Mass.), points in Providence, Bristol, and Newport Counties, R.I., and points in Niagara, Erie, Orleans, Genesee, Wyoming, Livingston, Monroe, Clinton, Franklin, St. Lawrence, Jefferson, Oswego, and Wayne Counties, N.Y. The purpose of this filing is to eliminate the gateways of Deepwater, N.J. (a point within the Wilmington, Del., commercial zone and Dover, Del.). The purpose of this partial correction is to correct typographical errors and omissions in the previous publication. The remainder of the letter-notice remains as previously published.

No. MC 113495 (Sub-No. E10), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel, heavy machinery, and construction equipment*, the transportation of which, because of size or weight,

requires the use of special equipment; and (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in that part of Virginia on and west of U.S. Highway 220, on the one hand, and, on the other, points in Adams, Alexander, Bond, Calhoun, Clay, Clinton, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jefferson, Jersey, Johnson, MacCoun, Madison, Marion, Massac, Monroe, Montgomery, Perry, Pike, Pope, Pulaski, Randolph, St. Clair, Saline, Scott, Union, Washington, Wayne, White, and Williamson Counties, Ill. Restricted in (1) and (2) above against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment; and restricted in (2) above to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E11), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel, heavy machinery, and construction equipment*, the transportation of which, because of size or weight, requires the use of special equipment; and (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in that part of Virginia on and west of U.S. Highway 220 and those in that portion of North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, N.C., and thence along U.S. Highway 1 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in Arkansas and Missouri, restricted in (1) and (2) above against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted in (2) above to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in that part of Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E15), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machin-

ery and equipment, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight does not require the use of special equipment, from points in Ohio, to points in Butler, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Ripley, Scott, and Stoddard Counties, Mo., and points in Arkansas, restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Tennessee and that part of Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E16), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machinery and equipment, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight does not require the use of special equipment, from points in Ohio, to points in Allen, Clinton, Cumberland, McCreary, Monroe, and Wayne Counties, Ky., restricted (1) against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment and (2) to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Tennessee.

No. MC 113495 (Sub-No. E17), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machinery and equipment, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight does not require the use of special equipment, from points in Ohio, to points in Ballard, Calloway, Carlisle, Christian, Fulton, Graves, Hickman, Logan, McCracken, Marshall, Todd, and Trigg Counties, Ky., restricted (1) against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and (2) the commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC 113495 (Sub-No. E30), filed June 3, 1974. Applicant: GREGORY

HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) (a) *Trucks*, designed for off-highway use, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, in initial movements, in truckaway service; and (b) *Related parts* for the above-specified commodities moving in connection therewith, from Decatur, Joliet, and Morton, Ill., to points in Bell, Floyd, Harlan, Knott, Leslie, Letcher, Perry, and Pike Counties, Ky. Restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and further restricted to commodities which are transported on trailers. (2) *Trucks*, designed for off-highway use, which may be included in heavy machinery and construction equipment, the transportation of which, because of size or weight, requires the use of special equipment, in initial movements, in truckaway service (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), from Decatur, Joliet, and Morton, Ill., to points in Bell, Floyd, Harlan, Knott, Leslie, Letcher, Perry, and Pike Counties, Ky. The purpose of this filing is to eliminate the gateway of points in Virginia.

No. MC 113495 (Sub-No. E31), filed June 3, 1974. Applicant: **GREGORY HEAVY HAULER, INC.**, P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) (a) *Trucks*, designed for off-highway use, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, in initial movements, in truckaway service, (b) *related parts* for the above-specified commodities moving in connection therewith, from Decatur, Illinois, to points in Adair, Allen, Barren, Clinton, Cumberland, Knox, McCreary, Metcalfe, Monroe, Pulaski, Wayne, and Whitley Counties, Kentucky, restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted to commodities which are transported on trailers. (2) *trucks*, designed for off-highway use, which may be included in heavy machinery and construction equipment, the transportation of which, because of size or weight, requires the use of special equipment, in initial movements, in truckaway service (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), from Decatur, Ill., to points in Adair, Allen, Barren, Clinton, Cumberland, Knox, McCreary, Metcalfe, Monroe, Pulaski, Wayne and Whitley Counties, Kentucky. The purpose of this filing is to

eliminate the gateway of points in Virginia.

No. MC 113495 (Sub-No. E39), filed June 3, 1974. Applicant: **GREGORY HEAVY HAULER, INC.**, P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machinery and equipment as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *related parts* moving in connection therewith, from points in Illinois (except Aurora, Beardstown, Decatur, Deerfield, De Kalb, Harvey, Joliet, Morton, Mossville, Peoria, and Springfield, and points within 10 miles of each), to points in Arkansas, Ashley, Bradley, Calhoun, Chicot, Clark, Cleveland, Columbia, Crittenden, Cross, Dallas, Desha, Drew, Garland, Grant, Hempstead, Hot Springs, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Lonoke, Miller, Mississippi, Monroe, Nevada, Ouachita, Phillips, Pike, Prairie, Pulaski, St. Francis, Sevier, and Woodruff Counties, Ark., restricted (1) against the transportation of parts of Memphis, Tenn., and the commercial zone thereof, (2) against the transportation of commodities which because of size or weight require the use of special equipment, (3) against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and further restricted to commodities which are transported on trailers.

(2) *Such self-propelled articles*, each weighing 15,000 pounds or more which may be included in road construction machinery and equipment as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight requires the use of special equipment, from points in Illinois (except Aurora, Beardstown, Decatur, Deerfield, DeKalb, Harvey, Joliet, Morton, Mossville, Peoria, and Springfield, and points within 10 miles of each), to points in Arkansas, Ashley, Bradley, Calhoun, Chicot, Clark, Cleveland, Columbia, Crittenden, Cross, Dallas, Desha, Drew, Garland, Grant, Hempstead, Hot Springs, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Lonoke, Miller, Mississippi, Monroe, Nevada, Ouachita, Phillips, Pike, Prairie, Pulaski, St. Francis, Sevier, and Woodruff Counties, Ark., restricted to the transportation of the described commodities when moving the same vehicle, with shipments of such commodities which do not require the use of special equipment, and to commodities which are transported on trailers, and restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, (3) *Road construction machinery and equipment* as described in Appendix VIII to the report in

Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, the transportation of which because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), from points in Illinois (except Aurora, Beardstown, Decatur, Deerfield, DeKalb, Harvey, Joliet, Morton, Mossville, Peoria, and Springfield, and points within 10 miles of each), to points in Arkansas, Ashley, Bradley, Calhoun, Chicot, Clark, Cleveland, Columbia, Crittenden, Cross, Dallas, Desha, Drew, Garland, Grant, Hempstead, Hot Springs, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Lonoke, Miller, Mississippi, Monroe, Nevada, Ouachita, Phillips, Pike, Prairie, Pulaski, St. Francis, Sevier, and Woodruff Counties, Ark., restricted to the transportation of the described commodities when moving in the same vehicle with shipments of such commodities which do not require the use of special equipment. The purpose of this filing is to eliminate the gateways of points in Kentucky and Tennessee.

No. MC 113495 (Sub-No. E41), filed June 3, 1974. Applicant: **GREGORY HEAVY HAULER, INC.**, P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and (2) *road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight requires the use of special equipment, from points in Illinois (except Aurora, Beardstown, Decatur, Deerfield, DeKalb, Harvey, Joliet, Morton, Mossville, Peoria, and Springfield, and points within 10 miles of each), to points in Berkeley, Grant, Hampshire, Hardy, Jefferson, Pendleton, Randolph, and Tucker Counties, West Virginia, restricted in (1) above, against the transportation of commodities which because of size or weight requires the use of special equipment, and restricted in (2) above, to the transportation of the described commodities when moving in the same vehicle with shipments of such commodities which do not require the use of special equipment. The purpose of this filing is to eliminate the gateway of points in Virginia.

No. MC 113495 (Sub-No. E45), filed June 3, 1974. Applicant: **GREGORY HEAVY HAULER, INC.**, P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier*

Certificates, 61 M.C.C. 209, and (2) road construction machinery and equipment as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight requires the use of special equipment, from points in Illinois (except Aurora, Beardstown, Decatur, Deerfield, DeKalb, Harvey, Joliet, Morton, Moss-ville, Peoria, and Springfield, and points within 10 miles of each), to points in Logan and Mingo Counties, West Virginia, and restricted in (1) above, against the transportation of commodities which because of size or weight requires the use of special equipment, and restricted in (2) above, to the transportation of the described commodities when moving in the same vehicle with shipments of such commodities which do not require the use of special equipment. The purpose of this filing is to eliminate the gateway of points in Virginia.

No. MC 113495 (Sub-No. E48), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Road-construction machinery, equipment, and supplies*, in bulk, in tank vehicles (except coal petroleum products and coal tar products), from points in Ohio, to points in Greenbrier County, West Virginia. The purpose of this filing is to eliminate the gateway of points in Virginia.

No. MC 133689 (Sub-No. E5) (Correction), filed May 28, 1974, published in the *FEDERAL REGISTER* October 10, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, Minn. 55112. Applicant's representative: Daniel C. Sullivan, 327 S. LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing-houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 877, and *canned and frozen foods* (except commodities in bulk), from Huron, S. Dak., to points in Illinois and Indiana (except South Bend). The purpose of this filing is to eliminate the gateway of St. Paul, Minn. The purpose of this correction is to reflect the correct docket number and "E" number. Previously published as MC 113689 (Sub-No. E1).

No. MC 113843 (Sub-No. E912), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in that part of Michigan on, south, and east, of a line beginning at the Detroit River

and extending along Michigan Highway 39 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Michigan Highway 60, thence along Michigan Highway 60 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Ohio State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E913), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hanover, Pa., to points in that part of Maine on and north of a line beginning at the New Hampshire-Maine State line and extending along U.S. Highway 2 to junction U.S. Alternate Highway 1, thence along U.S. Alternate Highway 1 to Ellsworth, thence along Maine Highway 3 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E914), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned foods*, from points in that part of Delaware on and south of U.S. Highway 40 and east of the Susquehanna River and Chesapeake Bay, to points in that part of Wisconsin on, north, and west of a line beginning at Ashland, and extending along U.S. Highway 2 to junction U.S. Highway 63, thence along U.S. Highway 63 to Hayward, thence along Wisconsin Highway 27 to Radisson, thence along Wisconsin Highway 40 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to junction Wisconsin Highway 124, thence along Wisconsin Highway 124 to junction U.S. Highway 53 to Eau Claire, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, N.Y.

No. MC 113843 (Sub-No. E915), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned foods*, from points in those parts of Delaware and Maryland on and south of U.S. Highway 40 and east of the Susquehanna River and Chesapeake Bay, to points in that part of the Upper Peninsula of Michigan on and west of a line beginning at the Michigan-Wisconsin State line at or near Ironwood, and extending along Michigan Highway 28 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Michi-

gan Highway 26, thence along Michigan Highway 26 to Lake Superior. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, N.Y.

No. MC 113843 (Sub-No. E931), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Moosic, Penn., to points in Ohio (except points in that portion of Ohio on and east of a line beginning at the Pennsylvania-Virginia State line and extending along Ohio Highway 213 to junction Ohio Highway 152, thence along Ohio Highway 152 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 148, thence along Ohio Highway 148 to the Ohio River). The purpose of this filing is to eliminate the gateway of Elmira, New York.

No. MC 114019 (Sub-No. E20) (Correction), filed May 1, 1974, published in the *FEDERAL REGISTER* 28, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fish and seafoods*, fresh and frozen; (a) from points in Wisconsin and points in that part of Iowa on, north, and west of a line beginning at the junction of U.S. Highway 65 and the Missouri-Iowa State line, thence along U.S. Highway 65 to the junction of U.S. Highway 65 and Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Illinois State line to Pittsburgh, Pa., Rochester, and Buffalo, N.Y., Louisville, Ky., and points in Ohio, and those in Indiana on and north of U.S. Highway 150; (b) from points in that part of Wisconsin east of a line beginning at the junction of the Wisconsin-Michigan State line and U.S. Highway 13, thence south along U.S. Highway 13 to Wisconsin Dells, thence south along U.S. Highway 12 to Madison, thence south along Wisconsin Highway 69 to the Wisconsin-Illinois State line to points in Nebraska, Kansas, and Missouri, and Denver, Colo., and those points in Illinois in, south, and east of Hancock, McDonough, Fulton, Peoria, Woodford, Livingston, Grundy, Will, Du Page, and Cook Counties. The authority described in (a) and (b) above is restricted to the transportation of the commodities described therein to shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateway of Chicago, Ill. The purpose of this correction is to clarify the origin states.

No. MC 114019 (Sub-No. E176) (Correction), filed May 6, 1974, published in the FEDERAL REGISTER June 20, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned foods, and edible agricultural commodities* (other than frozen), from points in Ohio, Indiana, and those in the Lower Peninsula of Michigan, and those in Wisconsin on and south of Wisconsin Highway 64, and on and east of Wisconsin Highway 51, and those in Illinois on and east of Illinois Highway 26 from the Wisconsin-Illinois State line to its junction with Illinois Highway 29, thence Illinois Highway 29 from said junction of its junction with Illinois Highway 121, thence Illinois Highway 121 from said junction to its junction with U.S. Highway 51, thence U.S. Highway 51 from said junction and its junction with U.S. Highway 50, thence U.S. Highway 50 from said junction to the Illinois-Indiana State line, and Louisville, Bellevue, and Covington, Ky., and Pittsburgh, Pa., to Denver, Colo., and points in that part of Nebraska on and east of U.S. Highway 83 from the Kansas-Nebraska State line to North Platte, and on and south of U.S. Highway 30 from North Platte to the Missouri River, and points in that part of Kansas on and east of U.S. Highway 281, and points in Missouri on and west of U.S. Highway 65, and points in that part of Iowa on and west of U.S. Highway 65 from Laneville to Iowa Falls, and on and south of U.S. Highway 20 from Iowa Falls, to Sioux City. The purpose of this filing is to eliminate the gateway of Morrison, Washington, or Effingham, Ill. The purpose of this correction is to correct the commodity description and to correct the territory description.

No. MC 115841 (Sub-No. E2), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing-houses, unfrozen, as described in Sections A, B, and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, and frozen foods, in vehicles equipped with mechanical refrigeration (except liquid commodities in bulk), restricted to the transportation of commodities which are edible, from Chattanooga, Tenn., to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Alabama.*

No. MC 115841 (Sub-No. E3), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION,

INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats, in vehicles equipped with mechanical refrigeration, from the plantsite of Briggs & Company, within the Washington, D.C., Commercial Zone as defined by the Commission, to points in Oklahoma, Texas (*Montgomery, Ala.), California, Oregon, and Washington (*Birmingham, Ala.). The purpose of this filing is to eliminate the gateways indicated in the brackets.*

No. MC 115841 (Sub-No. E4), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, (except canned meats), and dairy products, restricted against the transportation of commodities in bulk, and of commodities when frozen in vehicles equipped with mechanical refrigeration, from points in that part of the New York, N.Y., Commercial Zone, as defined in the Fifth Supplemental Report in Commercial Zones and Terminal Areas, 53, M.C.C. 451, within which local operations may be conducted under the exemptions provided in Section 203 (b) (8) of the Interstate Commerce Act, to points in Texas. The purpose of this filing is to eliminate the gateways of Springfield, N.J., and Birmingham, Ala.*

No. MC 123681 (Sub-No. E1), filed June 3, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Oregon 97203. Applicant's representative: Earle V. White, 2400 SW. 4th Ave., Portland, Oregon 97201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Acids and chemicals (except fertilizer), in bulk, in tank vehicles, from Missoula, Mont., to points in Washington. The purpose of this filing is to eliminate the gateway of points in Idaho.*

No. MC 123681 (Sub-No. E3), filed May 28, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Oregon 97203. Applicant's representative: Earle V. White, 2400 SW. Fourth Ave., Portland, Oregon 97201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and acids, in bulk, in tank vehicles, from points in that part of Washington in and west of Whatcom, Skagit, Snokomish, King, Pierce, Lewis, and Skamania Counties to points in Montana. The purpose of this filing is to eliminate the gateway of Tacoma, Wash., and Portland, Oregon.*

No. MC 128741 (Sub-No. E126), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES,

INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebraska 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Colorado on, north, and west of a line from the Nebraska-Colorado State line along Interstate Highway 80 to the junction of Colorado Highway 71, thence along Colorado Highway 71 to the junction of U.S. Highway 24, thence along U.S. Highway 24 to the junction of U.S. Highway 285, thence along U.S. Highway 285 to the New Mexico-Colorado State line. The purpose of this filing is to eliminate the gateway of Arnold, Nebraska, and points within 40 miles thereof.*

No. MC 128741 (Sub-No. E138), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods, as defined by the Commission, between Owensboro and Louisville, Ky., on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.*

No. MC 128741 (Sub-No. E139), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods, as defined by the Commission, between Owensboro, Louisville, Henderson, and Paducah, Ky., on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.*

No. MC 128741 (Sub-No. E140), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods, as defined by the Commission, between points in Texas, on the one hand, and, on the other, points in Kentucky on and east of a line from the Indiana-Kentucky State line along U.S. Highway 231 to the junction of U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.*

RULES AND REGULATIONS

38969-38989

No. MC 128741 (Sub-No. E141), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in Florida on and east of the Suwannee River. The purpose of this filing is to eliminate the gateways of points in Jasper County, Mo., on and

north of U.S. Highway 66 and points in Indiana south of U.S. Highway 40.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25673 Filed 11-1-74;8:45 am]

federal register

MONDAY, NOVEMBER 4, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 213

PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education



GENERAL PROVISIONS FOR RESEARCH AND DEVELOPMENT GRANTS

Administrative and Fiscal Requirements

Title 45—Public Welfare

CHAPTER XIV—NATIONAL INSTITUTE OF
EDUCATION, DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARESUBCHAPTER A—GENERAL PROVISIONS FOR
NATIONAL INSTITUTE OF EDUCATION RE-
SEARCH AND DEVELOPMENT GRANTSADMINISTRATIVE AND FISCAL
REQUIREMENTS

Notice of proposed rulemaking was published in the FEDERAL REGISTER on January 8, 1973 (38 FR 1020), setting forth general rules and requirements for the award and administration of educational research grants. Interested persons were given thirty days in which to submit written comments, suggestions, or objections regarding the proposed rule.

Several comments were received and considered.

A. *Implementation of OMB Circular No. A-102.* 1. As noted in the citation for various sections of the proposed rule (38 FR 1020), certain of the regulations are derived from OMB Circular No. A-102. In order to complete implementation of the Circular for the National Institute of Education (also referred to herein after in the Preamble as "NIE" or "Institute") and pursuant to the Department's regulation (45 CFR Part 74, published on September 19, 1973, at 38 FR 26274), the general provisions have been substantially expanded and revised, as shown in the following table. Specific additions and revisions are explained in detail in paragraphs B and C below.

Final rule	Derivation	Proposed rule sections which have been renumbered	
		Proposed section Nos.	Final section Nos.
Part 1400—General	Part 1400 of the proposed rule (38 FR 1020).	(1)	1400.5
Part 1403—Eligibility and Application for Research Grant Assistance.	Part 1403 of the proposed rule (38 FR 1020).	(1)	1403.5
		(1)	1403.6
		1403.8	(2)
		(1)	1403.9
Part 1405—Federal Financial Participation:			
Subpart A—General Provisions	§§ 1408.1 through 1408.10 of the proposed rule (38 FR 1020).	1408.1	1405.1
		1408.2	1405.2
		1408.4	1405.4
		1408.7	1405.7
		1408.8	1405.8
		1408.9	1405.9
		1408.10	1405.10
		1408.12	(2)
	DHEW Grants Administration Manual, chapter 2-400.	(1)	1405.5
	45 CFR part 74, subpart B (38 FR 26277).	(1)	1405.11
Subpart B—Grant Payment Requirements.	45 CFR part 74, subpart K (38 FR 26282).	(1)	(1)
Subpart C—Cost Principles.	45 CFR part 74, subpart Q (38 FR 26288).	(1)	(1)
Part 1407—Cost Sharing.	45 CFR part 74, subpart G, (38 FR 26278).	(1)	(1)
	DHEW Grants Administration Manual, chapter 2-140.	(1)	(1)
Part 1409—Grant Related Income.	45 CFR part 74, subpart F, (38 FR 26278).	(1)	(1)
Part 1410—Miscellaneous Requirements:			
Subpart A	§§ 1412.1—1412.3 of the proposed rule (38 FR 1020).	1412.1	(2)
		1412.2	(2)
		1412.3	1410.3
		(1)	1410.1
		(1)	1410.2
Subpart B	§§ 1412.7, 1412.10, 1412.14—1412.21 of the proposed rule (38 FR 1020).	1412.7	1410.7
		1412.10	1410.10
		1412.14	1410.14
		1412.15	1410.15
		1412.16	1410.16
		1412.19	1410.19
		1412.21	1410.21
		1412.24	1412.1
Part 1412—Monitoring and Reporting Performance.	§ 1412.24 of the proposed rule (38 FR 1020) and 45 CFR part 74, subpart J (38 FR 26281).	-----	1412.2
		-----	1412.3
		-----	1412.4
		-----	1412.6
		-----	1412.8
Part 1414—Procurement Standards for Grantees.	Part 1406 of the proposed rule (38 FR 1020).	(2)	-----
Part 1415—Property Management Requirements.	Part 1412, subpart D of the proposed rule (38 FR 1020) and 45 CFR part 74, subpart O (38 FR 26284).	(1)	1415.1
		-----	1415.2
		-----	1415.3
		-----	1415.5
		-----	1415.7
		1412.69	1415.9
		1412.70	1415.11
		1412.72	1415.13
		1412.73	1415.14
		(1)	1415.15
		-----	1415.17
		-----	1415.19
Part 1417—Financial Management Systems.	§§ 1412.23 and 1412.11 of the proposed rule (38 FR 1020).	(1)	1417.1
Part 1419—Financial Reporting Requirements:		1412.23, 1412.11	1417.3
Subpart A—Requirements for State and Local Government Grantees.	45 CFR part 74, subpart I (38 FR 26279).	1410.1-1410.5	(2)
		(1)	1410.1-1410.9

Final rule	Derivation	Proposed rule sections which have been renumbered	
		Proposed section Nos.	Final section Nos.
Subpart B—Requirements for Grantees Other than State and Local Governments.	45 CFR part 74, subpart A (38 FR 26276).	(1)	1419.20
Part 1420—Bonding and Insurance.	§ 1412.52 of the proposed rule (38 FR 1020) and 45 CFR part 74, subpart C (38 FR 26277).	1412.52 (1)	(5) 1420.1-1420.3
Part 1422—Construction.	Part 1412, subpart C of the proposed rule (38 FR 1020) and Executive Order Nos. 11288, 11246, and 11375.	1412.40 1412.41 1412.42 1412.43 1412.44 1412.45 1412.46 1412.47 1412.48 1412.49 1412.50 1412.51 1412.53 1412.54 1412.55 1412.56 1412.57 1412.58 1412.59 1412.60 1412.61 (1) (1)	1422.1 1422.3 1422.5 1422.7 1422.9 1422.11 1422.13 1422.15 1422.17 1422.19 1422.21 1422.23 1422.25 1422.27 1422.29 1422.31 1422.33 1422.35 1422.37 1422.39 1422.41 1422.43 1422.45
Part 1424—Accountability for Federal Funds.	Part 1414 of the proposed rule (38 FR 1020) and 45 CFR part 74, subpart M (38 FR 26288).	1414.1 (1) 1414.2 1414.4 1414.6 1414.14 1414.15 (1)	(2) 1424.1 1424.2 1424.4 1424.6 1424.8 (2) 1424.10

1 New section(s) added.

2 Deleted.

3 Number of part changed from 1406 to 1414; sequence and numbering of sections within part unchanged.

2. The regulations which have been added to this Subchapter A pursuant to 45 CFR Part 74 (38 FR 26274) constitute the Director's adoption of the standards set forth in Part 74.

3. Since the standards contained in OMB Circular No. A-102 have previously been published in the FEDERAL REGISTER in Part 74 of this title, it has been determined that these additions to the general provisions will take effect concurrently with those sections of the regulations which were previously published in the notice of proposed rulemaking on January 8, 1973 (38 FR 1020).

B. Summary of comments; changes in the regulations. Comments submitted in writing to the National Institute of Education regarding the proposed regulations are summarized below. Following each summary, a response discusses changes which have been made in the regulations or the reasons for which no change is deemed necessary. The comments are arranged in the order of the sections of the final regulation.

1. Section 1400.1 *Definitions.—Comment.* (a) One commenter questioned whether the definition of "fiscal year" as "a period beginning on July 1, and ending on the following June 30" would cause a problem of varying requirements with award recipients which operate on fiscal years with other calendar orientations.

(b) To other commenters questioned the definition of "Nonexpendable personal property," suggesting that the \$300 acquisition cost be changed to \$1000 in conformance with OMB Circular No. A-101 and the provisions of proposed § 1412.69.

Response. (a) The definition of fiscal year provided is intended to refer only to the term as it is used in the regulation. As defined herein, a fiscal year establishes the unit of time according to which the affairs of the Federal Government are administered.

(b) The definition of nonexpendable personal property is derived from OMB Circular No. A-102. The \$300 figure used therein is not inconsistent with and should not be confused with other dollar figures which affect disposition of non-expendable personal property. No change in the regulation has been made.

2. Section 1400.2 *Scope and § 1400.4 Policy on use of grants or contracts.—Comment.* One commenter objected that the Director's use of the criteria set forth in Subpart 3-1.53 of Title 41 of the Code of Federal Regulations as the basis for selection between grant and contract procedures and instruments inequitably restricted the capability of for-profit organizations to compete for funding support. The commenter recommended that the Institute not adopt the selection criteria of 41 CFR 3-1.5303.

Response. The Institute is an organizational component of the Department of Health, Education, and Welfare, and is obligated to operate according to the provisions of 41 CFR 3-1.5303. In any event, the Institute does not agree that its actions based upon these provisions will necessarily be detrimental to the opportunity of for-profit organizations to participate in activities of the Institute. In soliciting projects, the Institute will select the award instrument in accordance with the nature of the activity and

the appropriate relationship between the Institute and the awardee. As regards unsolicited proposals, those submitted by for-profit applicants will be given consideration equal to that given other applicants. Unsolicited proposals from for-profit applicants which are selected for funding will be supported on the basis of contracts.

3. Section 1403.4 *Applications.—Comment.* Several commenters noted that application forms required by OMB Circular No. A-102 were inappropriate for use by applicants other than State and local governments and suggested that the Institute provide for the use of forms more suitable to non-State and local government applicants.

Response. The Institute agrees that application forms required by OMB Circular No. A-102 are inappropriate for grantees other than State and local governments. Proposed § 1403.4(b) is deleted. Specific forms and instructions for grant applications will be prescribed in individual program regulations promulgated by the Director under this chapter.

4. Section 1403.7 *Cooperative arrangements.—Comment.* One commenter noted some ambiguity in that § 1403.7(d) (§ 1403.7(c) in the proposed rule) seemed to refer to cooperative agreements as "grants," for which for-profit organizations are not eligible, whereas § 1400.2 (e) (§ 1400.4(e) in the proposed rule) provided that for-profit organizations would be eligible for funding under jointly financed cooperative arrangements. Several other commenters expressed concern that some institutions might have serious legal and administrative difficulties in acting as "joint legal recipients of the grant award," "jointly and severally responsible for administering the project."

Response. (a) A new paragraph (a) is added to § 1403.7 to indicate that this section applies to cooperative arrangements among applicants for grants but not to jointly financed cooperative arrangements between the Institute and eligible parties mentioned in § 1400.4(b) and § 1400.2 (d) and (e) (§ 1400.4 (d) and (e) in the proposed rule).

(b) Section 1403.7 does not require joint applications, nor does it preclude subcontracts, nor would it require joint awards for joint applicants. The regulation merely provides an optional means which eligible parties may use in applying for funds, if they have the desire and authority to do so.

5. Section 1403.9 *Preadward costs.—Comment.* One commenter suggested that discretionary authority be reserved to the Director to allow anticipatory costs when the interest of the Government would be better served thereby.

Response. Proposed § 1403.8 is deleted. New § 1403.9 allows the Director to authorize reimbursement for costs resulting from obligations incurred prior to the effective date of the grant under certain circumstances.

6. Section 1403.10 *Evaluation of applications.—Comment.* (a) A commenter questioned the breadth of an applicant's

program personnel to which evaluation of "adequacy of qualifications and experience, including managerial, of personnel" (§ 1403.10(b)(7) of the proposed rule) would extend.

(b) This commenter also felt that the criterion "adequacy of facilities and other resources" (§ 1403.10(b)(8)) should be interpreted to refer to the applicant's capability of providing adequate facilities.

(c) Another commenter suggested the addition of a criterion to allow approval or denial of an award based upon the effectiveness of an applicant's past performance under an NIE award.

Response. (a) Section 1403.10(b) is amended to emphasize the qualifications of the principal investigator among the project personnel. It is the Institute's intention to apply this criterion flexibly in accordance with the nature of the proposed research and the relative involvement in and importance to the project of the individual staff members.

(b) The second criterion addressed by the commenter is amended by § 1403.10(b)(5). The interpretation suggested by the commenter is consistent with the meaning of this criterion.

(c) Section 1403.10(b) is amended by the substitution of new criteria for (b)(1)-(9) of the proposed rule.

In the opinion of the Institute, these new criteria provide a sufficient basis for evaluation of applications and the proposed additional criterion is unnecessary.

7. Section 1405.4 *Budget revisions.* (Section 1408.4 in the proposed rule)—*Comment.* (a) A commenter suggested changing the limit in proposed § 1408.4(a)(3)(iv) on transfer of funds among direct cost objects without prior approval of the Director from five to ten percent.

(b) Another commenter stated that the wording of a provision in proposed § 1408.4(b)(2) was not clear.

Response. (a) and (b) Commenters on this section led the Institute to recognize that proposed § 1408.4 contained a mixture of provisions concerning two distinct areas—budget revisions (proposed paragraph (a)) and review and direction of the research effort (proposed paragraph (b)). Upon reexamination the Institute feels that the two areas warrant separate treatment and, with appropriate changes in response to the comments, can be made applicable to all classes of grantees. The following changes are made:

(1) Proposed § 1408.4(a)(3)(iii) and (iv) are deleted. It is the determination of the Director that the requirements of these provisions will not be needed for NIE grant programs.

(2) Proposed § 1408.4(a) is modified by eliminating language restricting applicability of the paragraph to State and local government grantees.

(3) The definition of "direct cost object class budget categories" in proposed § 1408.4(a)(2) is no longer necessary and is deleted.

(4) The definition of "local government" and "State" are no longer necessary in this section. They are deleted and added to § 1400.1 in the final rule.

(5) A new paragraph (b)(5) is added to indicate that prior approval of the Director is required for budget revisions pertaining to items specifically disallowed as a condition of the grant.

(6) New language in § 1405.4(e)(2) (§ 1408.4(a)(6)(ii) in the proposed rule) is added for consistency with 45 CFR 74.105.

(7) New § 1405.4(f) is added for consistency with 45 CFR 74.106.

(8) The revised provisions of § 1405.4 are renumbered to account for changes made from proposed § 1408.4.

(9) Proposed § 1408.4(b) is redesignated as new § 1405.5 to provide the appropriate distinction between provisions for review and direction of the research effort and those for budget revision in new § 1405.4. The language of new § 1405.5 (§ 1408.4(b) in the proposed rule) is revised to reflect more accurately the pertinent policy and procedures of OMB Circular No. A-101. The new section is applicable to all classes of grantees.

8. § 1405.10 *Obligation by grantee.* (§ 1408.10 in the proposed rule)—*Comment.* A commenter objected to the requirement that obligations be liquidated by grantees within one year following the period for obligation, pointing out that there is already a time limit for submitting fiscal reports.

Response. The requirement objected to is deleted.

9. Part 1405, Subpart C *Cost principles* (§ 1408.10 in the proposed rule)—*Comment.*—One commenter submitted a number of comments regarding cost principles for nonprofit institutions (Appendix A of the proposed rule).

Response. The cost principles are derived from Departmental regulations in 45 CFR Part 74. The NIE must use these principles and may not amend them. The NIE is, however, forwarding the comments to appropriate officials in DHEW for their consideration.

10. Section 1410.1 *Data-collection instruments* (§ 1412.2 in the proposed rule)—*Comment.* (a) Two commenters suggested that the provisions of this section be revised to conform more closely with policies of OMB and other Federal research programs.

(b) One commenter suggested in similar fashion that the provisions of this section be applied only to data-collection sponsored by the government and questioned whether DHEW policy permitted the use of the grant instrument for "the sponsorship of data-collection."

(c) Another commenter recommended that NIE require grantees' overall plans for the protection of human subjects rather than have each data-collection instrument submitted individually.

(d) Another commenter recommended that the section be extended to provide for review by the State education agency, the school district, and the teacher organizations of instruments used with classroom teachers or pupils.

(e) Another commenter objected that § 1410.1(f) (§ 1412.2(d) in the proposed regulations) would create needless expense and affect certain research unfavorably. The commenter requested a

change to require assurances of parental consent only when sufficient reason exists to believe that use of an instrument might cause public concern.

Response. (a) This section is changed by substituting for proposed § 1412.2 a new § 1410.1. The provisions of the new section are consistent with the requirements of OMB Circular No. A-40 and DHEW policy.

(b) A principal effect of the new section is to restrict clearance procedures to instruments of data-collection activities conducted under the sponsorship of the Institute. The term sponsorship describes the condition which exists with respect to the data collection whenever (1) the grantee claims to respondents that information is being collected for the Government; (2) the grantee collects information that the Government has requested for the planning, development, administration, or evaluation of its programs; or (3) grant terms and conditions call for approval by the Government of survey design procedures, or for submission of data from individual respondents or tabulated data requested by the Government. Data-collection under contracts (which are not subject to the provisions of this subchapter) will almost always involve sponsorship and require clearance of instruments. However, although contractual arrangements will in general be appropriate for data-collection performed specifically for NIE's use, there will as well be appropriate circumstances under which the Institute will choose to sponsor data-collection by grantees.

(c) Substitution of new § 1410.1 for proposed § 1412.2 obviates the requirement that all data-collection instruments be submitted for clearance. However, while procedures for the protection of human subjects and those for the clearance of data-collection plans may occasionally overlap in the case of some data-collection activities, these represent in fact two distinct sets of procedures accomplishing separate purposes. When a data-collection plan is a part of an activity or project involving risk to human subjects, that plan may have to be designed in accordance with the project sponsor's assurances on file with NIH/DHEW. If the data-collection plan is sponsored by NIE, whether or not risk to human subjects is involved, individual instruments used in carrying out that plan will require clearance through OMB.

(d) With regard to the suggestion of clearances with local officials and organizations, the NIE encourages broad consultation and participation in the development of data-collection instruments. However, the Institute feels that such clearances are properly a matter for local policy determination. No change is made.

(e) NIE is particularly interested in insuring that the rights, welfare, and dignity of children are especially well protected against the possibility of risk introduced through data-collection instruments. Risks presented by such instruments may be difficult to recognize. There are in addition special considerations to be weighed in the case of children: differences in psychologic response

from adult patterns, degree of interference with normal routine presented by the activity, and the possibility of misuse of data. For these reasons, NIE feels that assurances for informed parental consent at a minimum should be a general requirement for most types of NIE-sponsored data-collection activities involving children as respondents. On the other hand, the Institute appreciates the commenter's position. Clearly, there are some forms of data-collection and types of data which through traditional acceptance, standardization, or other conditions will not present a need for parental consent except in the most unusual circumstances. The Institute feels that the new applicability provisions of paragraph (b), added in conformance with OMB Circular No. A-102, will greatly reduce the grounds of the commenter's objection. Further, § 1410.1(f) (§ 1412.2(d) in the proposed rule) is amended to provide for waivers upon specific determinations by the Director.

It must be emphasized, however, that: (1) With the exception of instruments covered in § 1410.1(f), the Institute assumes the necessity of assurances of informed parental consent; the burden to justify a waiver will reside the grantee; and (2) even in the case of instruments excepted from the requirements of § 1410.1(f), the grantee's obligations under the DHEW policy on treatment of human subjects (§ 1410.2) may require informed parental consent and such additional safeguards as are warranted.

11. Section 1410.2 *Protection of human subjects* (§ 1412.1 in the proposed rule).—*Comment.* Two commenters recommended that NIE adhere to the DHEW policy on protection of human subjects.

Response. On May 30, 1974, the Department published regulations (45 CFR Part 46) for the protection of human subjects to codify, with some changes, the existing policy as set forth in Chapter 1-40 of the DHEW Grants Administration Manual. This part becomes effective for programs of the Institute when and to the extent that it is implemented in regulations issued by the Director.

Certain provisions of this part may be inappropriate to the Institute's mission, and it is therefore deemed inappropriate the part in the Institute's general provisions at this time. The Institute does expect to issue an appropriate implementation of Part 46 at some future time; until such issuance, the Institute will retain the provision requiring adherence to DHEW policies and procedures on treatment of human subjects as published in Title 41, Subpart 3-4.55 of the Code of Federal Regulations.

12. Section 1410.7 *Principal investigators* (§ 1412.7 in the proposed rule).—*Comment.* Several commenters suggested adoption of a rule permitting absence of the principal investigator for up to three months as provided by OMB Circular No. A-101 and DHEW policy.

Response. The section is changed to provide for a minimum three-month period of unavailability as cause for termination.

13. Section 1410.15 *Dual compensation* (§ 1412.15 in the proposed rule).—*Comment.* Two commenters felt that proposed § 1412.15 required clarification so as not to prevent staff members or consultants from receiving compensation for involvement with other projects.

Response. Section 1410.15 is changed to make clear that an employee is not prevented from also being compensated from a second project, even a second Federally-assisted project. The regulation merely prohibits an employee from receiving double payment for any given period of work charged to funds under an NIE-supported project.

14. Sections 1412.1 through 1412.8 (Part 1412) *Monitoring and reporting performance* (§ 1412.24 on the proposed rule).—*Comment.* Two commenters felt that the language of this part applied more appropriately to construction and development activities and would be difficult to apply meaningfully to educational research.

Response. These regulations are intended to serve a broad variety of educational research, as provided in the NIE statute (20 U.S.C. 1221e), including basic and applied research, development, demonstration, and dissemination and training. NIE expects that the specific application of the terms of this part and the degree to which a grantee shall meaningfully satisfy them will be determined by the nature of each particular project activity. The language of the part provides for considerations of practicability and appropriateness, and § 1412.2 states that requirements for grantee performance review, upon which reporting is expected to be based, shall be set forth in the approved award application. No change is deemed necessary.

15. Part 1412, *Monitoring and Reporting Performance* (§ 1412.24 in the proposed rule).—*Comment.* One commenter felt that proposed § 1412.24 implied centralized program management. The commenter stated that such a function was contrary to customary institutional practices and would be less effective and more costly than those practices.

Response. The inference drawn by the commenter is not intended, nor does the Institute agree that a centralized program management function will be necessary to meet the performance monitoring and reporting requirements. Many of the requirements may, for example, be carried out by the principal investigator. Insofar as the institution, however, and not the principal investigator is the applicant and responsible for administering the grant, the Institute does feel that it is properly the responsibility of the institution to assure itself that requirements of the grant are being observed.

16. Sections 1414.1 through 1414.16 (Part 1414) *Procurement standards for grantees*. (Part 1406 in the proposed rule).—*Comment.* (a) Several commenters objected on the whole to the application of these provisions derived from OMB Circular No. A-102 to colleges and universities. They felt that the requirements would be difficult and sometimes impossible to comply with and

would increase the complexity and cost of project administration.

(b) Other commenters questioned the validity or accuracy of certain sections, as follows:

(1) One commenter stated that § 1414.1(a) should make clear that applicant refers to the institutional grantee and not the principal investigator.

(2) One commenter felt that § 1414.4 was unrealistic in requiring imposition of penalties for nonconformance with the code of conduct.

(3) One commenter felt that § 1414.5 ignored the usual concept of cost effectiveness with respect to small purchases.

(4) This commenter also detected a possible confusion in § 1414.6(d) unless this provision applied only to subcontracts by the grantee.

(5) One commenter objected to the requirements of § 1414.6 relating to formal advertising.

(6) One commenter noted that the list in § 1414.7 of circumstances in which procurement might be negotiated did not contain the more extensive illustrative conditions found in some procurement regulations.

(7) One commenter objected to the requirement of § 1414.15(a) for inclusion of penalties in contracts.

(8) One commenter noted that suppliers might object to opening their books and accounts to anyone other than the Comptroller General of the U.S. (§ 1414.15(d)).

Response. (a) In preparing Part 74 of Title 45 of the Code of Federal Regulations, the Department, as a matter of policy, has made certain provisions of the OMB Circular inapplicable to entities other than State and local governments. In implementing 45 CFR Part 74, the National Institute of Education will also make these standards inapplicable to recipients other than State and local governments. In other cases, the Department has determined that HEW agencies may apply the standards to all grantees. The Institute feels that uniform standards, where feasible, are in the best interest of good management and economy, and will follow the Department's lead in this regard. Accordingly, Part 1414 is changed to limit only to State and local government grantees the following provisions: § 1414.6(e), § 1414.7, § 1414.11, § 1414.15 (a) and (b). The requirement for penalties under standards or a code of conduct (§ 1414.4) is made applicable to non-State and local government grantees only to a limited extent.

(b) The following responses are made to comments upon specific provisions of Part 1414:

(1) Regarding the comment that applicant should mean institution and not principal investigator, the Institute believes that the intent of the comment is met by the provision in § 1403.5 that "each such application * * * shall be executed by the applicant or, in the case of an applicant other than an individual, by an official or representative of the applicant duly authorized to execute such application on behalf of the applicant." However, it is consistent with the

Institute's policy of making awards to individuals for an applicant to be the proposed principal investigator. The Institute will identify the applicant on the basis of the authorizing signature on the application. This policy of course in no way modifies particular organizational policies concerning institutional sign-off.

(2) Section 1414.4 is changed in conformance with 45 CFR Part 74 to qualify the requirement for imposition of penalties by non-State and local government grantee.

(3) Although the intent of proposed § 1406.5 was to provide for open and free competition to the maximum extent reasonable and feasible, the Institute agrees with the commenter's observation. The language of § 1414.5 is changed to require "competition . . . to the maximum practical extent consistent with the objectives and needs of (the) Federally-assisted activities."

(4) Section 1414.6(d) does in fact apply only to subcontracts by the grantee.

(5) The provisions of § 1414.6(e) are changed to apply only to State and local government grantees, in conformance with 45 CFR Part 74.

(6) The list of conditions for negotiated procurement contained in § 1414.7 is consistent with 45 CFR 74.155. The conditions parallel those in Attachment O of OMB Circular No. A-102, which represent a condensation of the most significant and appropriate conditions contained in both the Federal and the Armed Services Procurement Regulations.

(7) Section 1414.15(a) is changed to apply only to contracts under grants to State and local government grantees, in conformance with 45 CFR Part 74.

(8) The provisions of § 1414.15(d) are in accordance with 45 CFR Part 74. It should be noted that they apply only to negotiated contracts in amounts in excess of \$2,500.

17. Section 1415.7 *Nonexpendable personal property* (§ 1412.69 in the proposed rule).—*Comment.* (a) One commenter felt that provisions of § 1415.7 (b) and (c), governing return, transfer, or sale of property, contradicted § 1415.7(a), vesting title in the grantee, and were thus inconsistent with OMB Circular No. A-101. Other commenters suggested similarly that nonprofit organizations be permitted to retain equipment for use in non-Federally assisted research and that accountability for equipment used for research in educational institutions be waived pursuant to Public Law 85-934.

(b) Another commenter asked the meaning of the term "official" in § 1415.7(b) (3).

Response. (a) In conformance with 45 CFR Part 74, vesting of title in the grantee is made subject to requirements concerning use, disposition, and management of the property. This was the intention of the proposed rule, and § 1415.7(a) is changed to clarify this intention. Public Law 85-934 (and provisions of OMB Circular No. A-101 based upon it) applies only to scientific research, which has not been interpreted to include educational

research, and therefore would not authorize NIE to waive accountability for the equipment.

(b) The term "official" is intended to describe those activities which are generally recognized as legitimate within the purview of an organization's established purposes and functions. Unless otherwise covered by pertinent statute, regulation, or grant term or condition, practices with respect to property purchased (in part) with Federal funds which are similar to those governing an organization's use of property purchased with the organization's funds should suffice to meet the meaning of "official."

18. Section 1415.11 *Property management standards* (§ 1412.72 on the proposed rule).—*Comment.* One commenter felt that the actual vesting of title (§ 1415.7) should preclude NIE interest in property management.

Response. The property management standards of § 1415.11 are consistent with the provisions of 45 CFR 74.136. Vesting of title in the grantee does not waive the grantee's accountability for the residual value of the property and does not diminish Federal interest in sound property management. As noted in the response to paragraph 17 above, title is vested in the grantee subject in requirements concerning property management as well as use and disposition of the property.

19. Section 1415.13 *Expendable personal property* (§ 1412.73 in the proposed rule).—*Comment.* One commenter asked (a) what is meant by "value" and (b) what disposition for used expendable personal property is contemplated.

Response. (a) Language is added to § 1415.13 to clarify the meaning of "value."

(b) Section 1415.13 is changed by replacing the text from the proposed rule with new paragraphs (a) and (b). These paragraphs, consistent with 45 CFR § 74.137, indicate NIE's policy with respect to consumable materials and supplies and to other expendable personal property with a useful life longer than the period of need or the grant period.

20. Section 1417.3 *Standards for grantee financial management systems* §§ 1412.23 and 1412.11 in the proposed rule).—*Comment.* (a) Two commenters stated that some provisions of § 1417.3(d) were inappropriate to the grant instrument.

(b) Several commenters objected to the application in proposed § 1412.11 of audit requirements of OMB Circular No. A-102 to grantees other than State and local governments. The commenters felt that many of the provisions were designed only for government agencies and that application to other types of grantees would be impracticable and excessively costly.

Response. (a) Section 1417.3(d) requires financial information relating actual expenditures to performance or productivity data only when appropriate. The provision is revised to require such information only when appropriate and specified in the performance reporting requirements of the grant.

(b) Section 1417.3(b) (incorporating much of proposed § 1412.11) does not require audits by grantees other than State and local governments. This change is consistent with Department policy set forth in 45 CFR 74.61(b) (1) (38 FR 26279). Grantees other than State and local governments are, however, encouraged to meet the standards set forth in § 1417.3(b).

21. Part 1419 *Financial Reporting Requirements* (Part 1410 in the proposed rule).—*Comment.* (a) Several commenters objected to the application of standards from OMB Circular No. A-102 to other than State and local governments. The commenters noted that these standards were divergent from those required by other Federal departments and by other agencies of the Department.

(b) Another commenter noted an apparent contradiction between § 1419.1 (proposed § 1410.1), which states that the subpart does not cover letter of credit transactions, and § 1419.5 (proposed § 1410.3(b)), which applies to letter of credit transactions. This commenter also noted an incorrect citation in the pertinent OMB form for financial reporting. The commenter noted lastly that prescriptions for reporting upon an accrual basis provided in proposed § 1410.3(a) (2) would be inappropriate for organizations not reporting on an accrual basis.

(c) Another commenter expressed an objection to any requirement under proposed § 1410.3(a) (3) for research grants reports to be submitted more frequently than annually.

(d) Two commenters noted that the 30-day time for submission of final reports (§ 1410.3(a) (4)) was not consistent with the 90-day period provided for final accounting in § 1414.1(b). A third commenter requested that the period for submission of final reports be set at 120 days.

Response. (a) In the interest of maintaining consistency with other DHEW requirements for reporting expenditures under research grants and with the NIH Letter-of-Credit procedures, the Institute will not apply the standards for financial reporting derived from OMB Circular No. A-102 to grantees other than State and local governments. Part 1419 is amended by (1) revising the provisions §§ 1410.2 through 1410.5 to correspond of §§ 1419.1 through 1419.6 (proposed more directly with the provisions of 45 CFR §§ 74.71 through 74.77; (2) adding §§ 1419.7 and 1419.9 to implement 45 CFR §§ 74.76 and 74.77, respectively; (3) placing §§ 1419.1 through 1419.9 under a new Subpart A applicable only to State and local governments; and (4) adding a new Subpart B applicable to grantees other than State and local governments. NIE expects to elaborate upon the provisions of Subpart B by amendment to these regulations at some future time.

(b) (1) The limiting phrase in § 1419.1 "when a letter of credit method is not used" is intended only to apply to requests for advances and reimbursement and not to the general reporting of financial information. New language in § 1419.1 should make this intention clearer.

(2) OMB form numbers are replaced with identifying references to their locations within OMB Circular No. A-102 and the appropriate HEW form number.

(3) Section 1419.4(b) and § 1417.3(a) are changed (from proposed §§ 1410.3 (a) (2) and 1412.23(a), respectively) in accordance with the commenter's suggestion so as not to require reporting on an accrual basis from organizations which do not maintain records on that basis.

(c) The language of § 1419.4(c) is changed (from proposed § 1410.3(a) (3)), in accordance with 45 CFR Part 74, to provide for annual submission of research grants reports.

(d) The time for submission of final reports in § 1419.4(d) is changed to 90 days in conformance with the provisions of § 1424.1(b) (3) (iii) (proposed § 1414.1 (b)) and with the Department's 90-day standard established in 45 CFR Part 74.

22. Part 1420 *Bonding and Insurance* (§ 1412.52 in the proposed rule).—*Comment.* One commenter requested that proposed § 1412.52(c) be revised to allow grantees to carry the insurance required of contractors under the proposed paragraph.

Response. The provisions of proposed § 1412.52(c) have been deleted from the final regulation. Grantees are required to observe only those bonding and insurance requirements and practices as specified in § 1420.1.

23. Section 1422.45 *Nondiscrimination* (§ 1406.15(c) in the proposed rule).—*Comment.* One commenter objected that the provisions of proposed § 1406.15(c) were more stringent than the requirements of Executive Order No. 11246 and Department of Labor regulations (41 CFR Part 60).

Response. Section 1422.45 is changed to comply with 45 CFR Part 74.

24. Section 1424.1 *Closeout* (§ 1414.1 on the proposed rule).—*Comment.* A commenter urged adoption of a 120-day instead of the 90-day term for submission of the report of final accounting required in paragraph (b) (3) (ii) § 1414.1 (b) of the proposed rule.

Response. The 90-day requirement (see § 1419.4(d)) is consistent with across-the-board policy established by the Department in 45 CFR Part 74. No change is deemed necessary.

25. Section 1424.6 *Waiver of law prohibited* (§ 1414.6 in the proposed rule).—*Comment.* A commenter suggested that § 1424.6 as written would prevent the Director from amending NIE regulations.

Response. The regulation is amended to make it clear that regulations may be amended by the Director through publication in the *Federal Register*.

26. Section 1424.8 *Termination and suspension for cause* (§ 1414.14 in the proposed rule).—*Comment.* A commenter felt that the provisions of this section were not appropriate to the customary agency/university relationship and were unnecessarily more punitive than other agencies' regulations.

Response. Termination for cause is a generally recognized provision of Federal grants. It should be noted that these regulations, like most grant regulations

and unlike contract regulations, do not provide for termination by the Government unilaterally without cause (i.e., termination for the convenience of the Government). The procedures of this section are consistent with HEW procedures established in 45 CFR Part 16. Attention is invited in addition to procedures available to the grantee under the DHEW grant appeals board (cf. §§ 1400.2(f) and 1424.8(g)).

27. Subchapter A *General*.—*Comment.* One commenter noted the absence from this subchapter of policies on institutional management fees and on printing, duplication, and distribution of educational products.

Response. (a) Institutional management fees are allowable with respect to contracts, in accordance with the DHEW Procurement Regulations. However, such fees may not be charged to grants, and Subchapter A therefore makes no provisions for their use.

(b) Policies on printing and duplication are contained in the Government Printing and Binding Regulations, issued by the Joint Committee on Printing (DHEW Grants Administration Chapter 1-463). Ordinarily, the Institute will impose no requirements governing distribution of materials for which copyright is not claimed. If copyright is claimed, distribution must be accomplished in conformance with § 1415.15, adopted in accordance with 45 CFR Part 74. NIE is currently developing a separate issuance covering copyright and product dissemination. Product developers, marketers, and other interested groups are involved in the development of this issuance. The ensuing regulations will be published in the *Federal Register* in proposed form for public comment prior to adoption.

28. Subchapter A *General*.—*Comment.* One commenter objected to publication of proposed and final regulations until the appointment of the National Council on Education Research.

Response. The Institute is appreciative of the commenter's concern that the policy-making authority vested by statute in the National Council on Educational Research (NCER) be fully observed. It is the Institute's opinion that the publication of proposed general provisions in no way derogated from the Council's statutory functions. The problem is moot with respect to these final regulations, since the Council took office on July 9, 1973.

29. Subchapter A *General*.—*Comment.* This commenter also stated the opinion that the regulations needed to identify more specifically the purposes for which NIE funds would be allocated and the criteria according to which allocation decisions would be made.

Response. The Institute recognizes an obligation to identify for the public those elements, such as focuses of research and criteria for resource allocation, it adopts in delimitation of its statute. The Institute does not feel, however, that such elements should be contained within this regulation, which establishes the Institute's administrative and fiscal requirements for grants. The Institute will promulgate such elements as they are de-

veloped, in accordance with § 1400.2(b) when appropriate.

30. Subchapter A *General*.—*Comment.* This commenter also requested the opportunity for a hearing on his objections.

Response. There is no legal requirement to provide for a hearing, and the Institute feels that the procedures for public comment have provided ample opportunity for public participation in the rulemaking process. No hearing is granted.

31. Subchapter A *General*.—*Comment.* One commenter noted that incorporation of provisions of OMB Circular No. A-102 into the NIE regulations would increase the administrative burden of managing Federally-sponsored research and expressed the hope that NIE would adopt the provisions of Circular A-21 and A-101 instead.

Response. Public comment received in response to the proposed rule and publication of the DHEW regulations on administration of grants at 45 CFR Part 74 (38 FR 26274) provided the Institute with additional perspectives and guidance from which to reconsider incorporation of provisions of OMB Circular No. A-102 within the final regulation. Federal policy, as implemented by the Department in 45 CFR Part 74, requires the application of the provisions of the Circular to all Federal grants to State or local governments. In this regard, the final regulation is not changed. With regard to grantees other than State and local governments, the Institute reexamined the appropriateness of the provisions according to the following principles: (a) Probable management and financial burden imposed upon grantees by the provisions; (b) the potential improvements in management of individual grants under the provisions; (c) administrative advantages to the Government of standardizing requirements for all classes of grantees; and (d) the degree of flexibility in adopting those provisions authorized under 45 CFR Part 74.

In several cases, the Institute has determined that the provisions were appropriate for all classes of grantees and that they served to supplement, rather than to supplant, provisions of Circular A-21 and A-101. In many other cases, the Institute agrees that financial and management burdens under the provisions would outweigh potential advantages and has made the provisions not applicable to grantees other than State and local governments. This is true particularly with respect to § 1403.4, Part 1414 (Part 1406 in the proposed rule), § 1417.3(h) (§ 1412.11 in the proposed rule), and Part 1419 (Part 1410 in the proposed rule). Specific decisions to retain or omit applicability to other than State and local government grantees are discussed elsewhere in this paragraph and in paragraph C.

32. Subchapter A *General*.—*Comment.* Two commenters expressed dissatisfaction at NIE's apparent intention to operate under different sets of requirements for contracts and grants.

Response. NIE's operation according to the instant regulations for grants and

according to the HEW Procurement Regulations for contracts is based upon the policies of HEW, which provide separate regulations for each instrument.

C. *Other changes.* 1. Numerous typographical and technical corrections are made.

2. In § 1400.1, several changes are made for greater clarity and consistency with 45 CFR Part 74: the definition of "acquisition" is deleted and added to § 1415.3; a definition of "Council" is added; a definition for "minor remodeling" is added to support a new provision at § 1422.1(a)(2); language is added to the definition of "Nonexpendable personal property;" definition of "Personal property" and "Real property" are added.

3. Section 1400.2(i) is deleted; the subject of the deleted material is treated in § 1400.2(g) (§ 1400.4(d) in the proposed rule).

4. In § 1400.2, a new paragraph (f) is added cross-reference the Department Grant Appeals Board procedures (45 CFR Part 16).

5. Paragraphs (d) and (e) of proposed § 1400.4 have been redesignated as paragraphs (g) and (h), respectively, of § 1400.2 in the final rule.

6. In § 1400.4(a), the language is changed to convey the intent more clearly.

7. A new § 1400.5 *Policy on responsibility for supervision of grant activities*, is added.

8. A new § 1403.5 *Administrative information*, is added and some consequently redundant language is deleted from § 1403.4.

9. A new § 1403.6 *Unsolicited proposals*, is added to provide Institute policy and procedures on unsolicited proposals.

10. Language is added to § 1403.10 to indicate that evaluation of applications will be conducted through officers and employers of the Institute and, when deemed advisable by the Director, by specially qualified experts and consultants.

11. In § 1403.15, language is added to indicate that submission of a preliminary proposal or prospectus may be required.

12. In Part 1405 (Part 1408 in the proposed rule, expanded) §§ 1405.1 through 1405.10 (§§ 1408.1 through 1408.10) are designated as Subpart A and Subparts B and C are added to implement Subparts K and Q, respectively, of 45 CFR Part 74. In addition, a new § 1405.11 *Cash depositories*, is added to implement Subpart B of 45 CFR Part 74.

13. In § 1405.9(b), language is added to provide that the Director may extend the project period.

14. Proposed § 1408.12 is deleted. Appendices A, B, and C to the proposed rule, formerly referenced in this section, are also deleted. New Subpart C, which implements Subpart Q of 45 CFR Part 74, makes applicable to this subchapter the cost principles codified in Appendices C, D, E, and F to 45 CFR Part 74.

15. A new Part 1409 *Cost Sharing*, is added in order to implement Subpart G of 45 CFR Part 74 and to reflect policies contained in DHEW Grants Administration Manual 2-140.

16. A new Part 1409 *Grant Related Income*, is added to implement Subpart F of 45 CFR Part 74.

17. In § 1410.10 (§ 1412.10 in the proposed rule), language is added to paragraph (d) for conformance with 45 CFR Part 74.

18. In § 1410.14 (§ 1412.14 in the proposed rule), language is added to indicate that persons associated with the grantee may not participate in administrative decisions of the Federal Government with respect to the grantee's project.

19. In §§ 1412.1 through 1412.10 (§ 1412.24 in the proposed rule), a new § 1412.1 *Scope of part*, is added and language is changed to conform more closely with Subpart J of 45 CFR Part 74.

20. Section 1414.11 (§ 1406.11 in the proposed rule) is changed to apply only to negotiated procurements by State and local governments, and language pertaining to justification of negotiation is added, in conformance with 45 CFR 74.157.

21. In § 1414.15 (§ 1406.15 in the proposed rule), several changes are made for consistency with Subpart P of 45 CFR Part 74.

22. Proposed § 1406.15(f) is deleted because the Economic Stabilization Act and regulations promulgated pursuant to the Act expired April 30, 1974.

23. In Part 1415 (Subpart D of Part 1412 in the proposed rule), §§ 1415.1 *Scope of part*, 1415.2 *General*, 1415.3 *Definitions*, and 1415.5 *Real property* are added in implementation of 45 CFR §§ 74.130 through 74.133.

24. In § 1415.9 (§ 1412.70 in the proposed rule), several changes in language are made for conformance with, and new paragraphs (a), (c) and (e) are added in implementation of, provisions of 45 CFR § 74.135.

25. Section 1415.14 is added to set forth the acknowledgement to be used in Federally-assisted publications and presentations.

26. Sections 1415.15, and 1415.19 are added in implementation of 45 CFR 74.140 and 74.141, respectively.

27. Section 1415.17 is added in conformance with 45 CFR 74.139; the similar provisions of proposed § 1412.22 are deleted.

28. In § 1422.1 (§ 1412.40 in the proposed rule), subparagraph (a)(2) is added to make clear that Part 1422 is not intended to apply to minor remodeling. In addition, language is added to clarify paragraph (c).

29. In § 1422.17 (§ 1412.48 in the proposed rule), a new paragraph (b) is added to allow alternative procedures for awarding contracts under certain circumstances.

30. Language of § 1422.29 (§ 1412.55 in the proposed rule) is revised to clarify the intent of the section.

31. In § 1422.33 (§ 1412.57 in the proposed rule), language specifying the grantee's responsibility for conducting inspections to insure compliance is added.

32. Section 1422.43 is added pursuant to Executive Order No. 11288.

33. Section 1424.1 is added in implementation of 45 CFR 74.111; proposed § 1414.1 is deleted.

34. In § 1424.8 (§ 1414.14 in the proposed rule), paragraph (a) is recaptioned *termination*.

35. In § 1424.8 (§ 1414.14 in the proposed rule), the language is changed to indicate the grantee's opportunity to present its position following notice of intent to terminate will not necessarily involve an oral presentation.

36. Section 1424.8(b) (§ 1414.14(b) in the proposed rule) is amended to provide for procedures available to the grantee under 45 CFR Part 16.

37. In § 1424.8 (§ 1414.14 in the proposed rule) paragraph (b) is greatly shortened; a new paragraph (c) *Suspension of assistance* is added; new paragraph designations (d) *Notice of suspension* and (e) *Effect of notice of suspension* are added to include material under § 1414.14(b) (2), (3), and (4) of the proposed rule; and § 1414.14(c) of the proposed rule is redesignated (f), for the purposes of improved organization and clarity.

38. Section 1424.8(g) *Grant appeals board* is added to replace paragraph (d) (1), (2), and (3) of the proposed § 1414.14. A new paragraph (h) *Effective date of termination* is created from paragraph (d) (4) of the proposed § 1414.14; and other smaller changes are made to tie into 45 CFR Part 16.

39. Section 1424.10 is added in implementation of 45 CFR § 74114(b).

D. *Education Amendments of 1974.* While the recent enactment of the Education Amendments of 1974 will result in additional regulations governing the Institute, it has been decided to issue these general provisions at this time without reference to the Amendments because (1) there is no inconsistency between the requirements of the Amendments and the general provisions; (2) the publication of these provisions will in no way delay the issuance of regulations under the Amendments; however, to comply with the requirements of Section 502(a)(2)(B)(II), § 1412.50 of the proposed regulations is deleted.

After consideration of all comments, Title 45 of the Code of Federal Regulations is amended as set forth below.

Effective date. Pursuant to section 431 (d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog Federal Domestic Assistance Program No. 13.575, Educational Research and Development)

Dated: August 29, 1974.

THOMAS K. GLENNAN, JR.,
Director, National Institute
of Education.

Approved: October 24, 1974.

CASPAR W. WEINBERGER,
Secretary of Health,
Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended by adding a new Chapter XIV, Subchapter A reading as follows:

CHAPTER XIV—NATIONAL INSTITUTE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL PROVISIONS FOR NATIONAL INSTITUTE OF EDUCATION

- Part**
 1400 General.
 1403 Eligibility and application for research grant assistance.
 1405 Federal financial participation.
 1407 Cost sharing.
 1409 Grant related income.
 1410 Miscellaneous requirements.
 1412 Monitoring and reporting performance.
 1414 Procurement standards for grantees.
 1415 Property management requirements.
 1417 Financial management systems.
 1419 Financial reporting requirements.
 1420 Bonding and insurance.
 1422 Construction requirements.
 1424 Accountability for Federal funds.

PART 1400—GENERAL

- Sec.**
 1400.1 Definitions.
 1400.2 Scope.
 1400.3 Purpose.
 1400.4 Policy on use of grants or contracts.
 1400.5 Policy on responsibility for supervision of grant activities.

AUTHORITY: Sec. 405 of the General Education Provisions Act, as added by Section 301(a)(2) of Public Law 92-318, 86 Stat. 328 (20 U.S.C. 1221e), unless otherwise noted.

§ 1400.1 Definitions.

As used in this subchapter:

"Act" means the General Education Provisions Act, as amended.

"Applicant" means an eligible party seeking Federal financial assistance under this chapter.

"Application" includes requests from eligible parties for grant assistance from the Federal Government.

"Award" means a properly executed grant to an eligible party under this chapter.

"Budget period" means the interval of time into which an approved activity is divided for budgetary purposes.

"Council" means the National Council on Educational Research.

"Department" means the U.S. Department of Health, Education, and Welfare.

"Director" means the Director of the National Institute of Education or a designee of the Director.

"Educational research" means research (basic and applied), planning, surveys, evaluations, investigations, experiments, developments, and demonstrations in the field of education (including career education).

"Expendable personal property" means all tangible personal property other than nonexpendable personal property.

"Fiscal year" means a period beginning on July 1 and ending on the following June 30. (A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.)

"Grant period" means the period during which costs may be charged against a grant.

"Grantee" means the individual, agency, organization, or institution which has received an award of grant assistance from the Institute.

"Institute" means the National Institute of Education.

"Local government" means a local unit of government including specifically a county, municipality, city, township, school district, local public authority, special district, intrastate district, council of governments, sponsor group representative organization, and other regional or interstate government entity, or any agency or instrumentality of a local government exclusive of institutions of higher education and hospitals.

"Minor remodeling" means minor alterations in a previously completed building which are needed to make effective use of equipment or personnel. The term may also include the extension of utility lines, such as water and electricity, from points beyond the confines of the spaces in which the minor remodeling is undertaken but within the confines of such previously completed building. The term does not include building construction, structural alterations to buildings, building maintenance, or repair.

"Nonexpendable personal property" means tangible personal property, including equipment, having a useful life of more than 1 year and an acquisition cost of \$300 or more per unit. A grantee may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined herein.

"Personal property" means property of any kind except real property. It may be tangible—having physical existence, or intangible—having no physical existence, such as patents, inventions, and copyrights.

"Private" means not under public supervision or control.

"Procurement" means the acquisition from non-Federal sources of personal property and nonpersonal services, including construction, by such means as purchasing, renting, leasing, including real property, contracting, or bartering, but not by seizure, condemnation, donation, or requisition.

"Project period" means the total period of time for which a project is approved for support with Federal funds.

"Public agency" means a legally constituted organization of government under public administrative control and direction, but does not include agencies of the Federal Government.

"Real property" means land, land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

"Secretary" means the Secretary of the Department of Health, Education, and Welfare.

"State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or

instrumentality of any State exclusive State institutions of higher education and hospitals.

§ 1400.2 Scope.

(a) Except to the extent inconsistent with an applicable statute or regulation or as otherwise provided by regulation, the regulations of this subchapter apply to all grant awards of Federal assistance to eligible parties authorized under section 405 of the General Education Provisions Act.

(b) The regulations of this subchapter will be supplemented by other regulations in this chapter setting forth any special (1) rules of procedure; (2) substantive rules of general applicability; and (3) statements of general policy or interpretations of general applicability developed under the authority of section 405 of the General Education Provisions Act.

(c) Federal financial assistance provided under this chapter is also subject to the regulations in Part 80 of this title, issued by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provisions of title VI of the Civil Rights Act of 1964 (Public Law 88-352).

(42 U.S.C. 2000 d)

(d) Federal financial assistance provided under this chapter is also subject to the provisions of title IX of the Education Amendments of 1972 which prohibit sex discrimination, and any regulations issued thereunder (secs. 901-903, 905-907 of Public Law 92-318).

(20 U.S.C. 1681-1683, 1685-1686)

(e) Federal financial assistance provided under this subchapter is also subject to the provisions of section 904 of the Education Amendments of 1972 which prohibit discrimination on the grounds of blindness or severely impaired vision and any regulations issued thereunder.

(f) Federal financial assistance provided under this chapter is also subject to the regulations in Part 16 of this title, establishing a Departmental Grant Appeals Board for the resolution of specified post-award grant disputes.

(g) Except as provided in paragraph (h) of this section and with respect to §§ 1400.4 and 1403.6 the award and administration of contracts and cooperative arrangements shall not be covered by this subchapter. Contracts shall be subject to the regulations in Chapters 1 and 3 of Title 41 of the Code of Federal Regulations.

(h) The provisions of § 1403.2(a) of this subchapter on eligible parties shall govern contract awards and jointly financed cooperative arrangements by the Director, as well as grant awards, except that profitmaking corporations, organizations, institutions, or agencies shall also be eligible for such contracts and jointly financed cooperative arrangements.

(20 U.S.C. 1684)

§ 1400.3 Purpose.

(a) Congress has declared it a policy of the United States to provide to every person an equal opportunity to receive an education of high quality regardless of race, color, religion, sex, national origin, or social class. The Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process. Congress has further declared it to be the policy of the United States to:

- (1) Help to solve, or to alleviate the problems of, and promote the reform and renewal of, American education;
- (2) Advance the practice of education as an art, science, and profession;
- (3) Strengthen the scientific and technological foundations of education; and
- (4) Build an effective educational research and development system.

(b) This subchapter establishes general regulations for the award and administration of grants by the National Institute of Education to carry out the policies set forth in paragraph (a) of this section.

§ 1400.4 Policy on use of grants or contracts.

(a) It is the policy of the Institute that competition be obtained to the maximum extent practicable in the solicitation and review of grant applications and contract proposals, and in the review of unsolicited proposal. Such competition will be designed to help achieve the purposes of the Institute through the identification and utilization of the best technical competence and other resources.

(b) In order to effectuate the purposes of § 1400.3, the Director may issue, with appropriate publication, formal written requests for proposals directed toward the award of contracts or announcements directed toward the award of grants and may award grants or contracts on the basis of unsolicited proposals from eligible parties. In addition, he may enter jointly financed cooperative arrangements with eligible parties.

(c) Generally, the Director shall select between grant and contract procedures and instruments, both with regard to the solicitation process and with respect to unsolicited proposals, on the basis of criteria set forth in Subpart 3-1.53 of Title 41 of the Code of Federal Regulations.

§ 1400.5 Policy on responsibility for supervision of grant activities.

It is the policy of the Institute that primary responsibility for the supervision of all grant activities shall be vested in the grantee, in accordance with the specific provisions of this subchapter. Subject to the requirements in §§ 1405.4 and 1405.5 of this subchapter, methodology and approach for carrying out the objectives of the project shall generally be matters for the determination of the grantee (whether by its principal investigator or other authorized representative). Grantees and their principal investigators are encouraged to seek advice and technical assistance from the Director with respect to problems which may

arise during the project period. It is the policy of the Institute to extend such advice and technical assistance to the grantee, without diminishing the grantee's responsibility for the project, in order to enable the grantee to make optimal use of grant funds towards the grant purposes.

PART 1403—ELIGIBILITY AND APPLICATION FOR RESEARCH GRANT ASSISTANCE

Sec.

- 1403.1 Nature and purpose of research project award.
- 1403.2 Eligibility for award.
- 1403.4 Applications.
- 1403.5 Administrative information.
- 1403.6 Unsolicited proposals.
- 1403.7 Cooperative arrangements.
- 1403.9 Preaward costs.
- 1403.10 Evaluation of applications.
- 1403.11 Disposition of applications.
- 1403.12 Amendments.
- 1403.15 Preliminary proposals.

AUTHORITY: Sec. 405 of the General Education Provisions Act, as added by section 301 (a) (2) of Public Law 92-318, 86 Stat. 328 (20 U.S.C. 1221e), unless otherwise noted.

§ 1403.1 Nature and purpose of research project award.

A research project grant is the award by the Director of funds to an institution, organization, or other person to assist in meeting the costs of conducting, for the purposes specified under § 1400.3 of this subchapter, an identified activity or program (hereinafter termed the "project") consisting of educational research.

§ 1403.2 Eligibility for award.

(a) *Persons eligible.* Except where otherwise prohibited by law, any individual, corporation, public or private institution or agency found by the Director to be authorized and qualified by educational, scientific, or other relevant competence to carry out a proposed research project in accordance with the regulations of this subchapter shall be eligible for an award except:

(1) Federal agencies or institutions not specifically authorized by law to receive such an award; and

(2) Any corporation, institution, agency, or other such person, other than an individual, whose net earnings inure, or may lawfully inure, to the benefit of any private shareholder or individual.

(b) *Projects eligible.* Any project found by the Director to be an educational research project within the meaning of § 1400.1 of this subchapter and § 1403.1 shall be eligible for an award. Eligible projects may include planning, laboratory, clinical, population, field, statistical, basic, applied or other types of investigations, studies, or experiments, dissemination, utilization, application, implementation, training, developments or demonstrations, or combinations thereof, and may either be limited to one, or a particular aspect of, a problem or subject, or may consist of two or more related problems or subjects for concurrent or consecutive investigation and involving multiple disciplines, facilities, and resources.

§ 1403.4 Applications.

Any applicant eligible for grant assistance may submit, on or before such cutoff date or dates as the Director may announce for each fiscal year, an application containing such pertinent information, and in accordance with the forms and instructions, as prescribed herein and by Department policy and/or such other additional forms as may be specified by the Director.

§ 1403.5 Administrative information.

(a) Each project application and amendment thereto shall give the name of the applicant. The applicant shall be the individual, corporation, or public or private institution or agency which will be responsible for carrying out the project and accounting for Federal funds.

(b) Each such application and amendment thereto shall be executed by the applicant or, in the case of an applicant other than an individual, by an official or representative of the applicant duly authorized to execute such application on behalf of the applicant.

(c) Unless otherwise indicated in the application, the official who executes the application on behalf of the applicant will be deemed to be the official to whom communications shall be directed, the official who shall be responsible for the receipt, custody, and disbursement of Federal funds, and the official who shall be responsible for the accounting of such Federal funds.

§ 1403.6 Unsolicited proposals.

(a) It is the policy of the Institute to encourage parties eligible under this subchapter to originate valuable ideas for projects relevant to the furtherance of the purposes specified in § 1400.3 of this subchapter and to submit such ideas as unsolicited proposals.

(b) The Director will make funds available for the support of unsolicited proposals rated highly on the basis of criteria specified under paragraph (c) of this section according to the availability of funds within allocations established by the Council.

(c) Unsolicited proposals which may lead to either grant or contract awards will be evaluated according to (1) the criteria set forth in 41 CFR Subpart 3-4.52 (with respect to procurement contracts) or § 1403.10(b) (with respect to grants) and (2) the extent to which they meet one or more of the following conditions:

(i) The proposal represents a unique opportunity for use of resources or conditions to conduct research or development with potential for important advancement in knowledge;

(ii) The proposal addresses an NIE priority in a more promising way than already planned work;

(iii) The proposal addresses an NIE priority by complementing already planned work with an alternative, perhaps contrary approach to the problem.

§ 1403.7 Cooperative arrangements.

(a) This section applies to cooperative arrangements among applicants for grants but not to jointly financed coop-

erative arrangements between the Institute and eligible parties mentioned in § 1400.2 (g) and (h) and § 140.4(b).

(b) Eligible parties may enter into cooperative arrangements with other eligible parties, including those in another State, to apply for grant assistance.

(c) A joint application made by two or more applicants for assistance under this subchapter may have separate budgets corresponding to the programs, services, and activities performed by each of the joint applicants, or may have a combined budget. If joint applications present separate budgets, the Director may make separate awards, or may award separate amounts for each of the joint applicants.

(d) In the case of each cooperative arrangement authorized under paragraph (b) of this section and receiving assistance, except where the Director makes separate awards under paragraph (c) of this section, all such applicants (1) shall be deemed to be joint legal recipients of the grant award and (2) shall be jointly and severally responsible for administering the project assisted under such grant.

§ 1403.9 Preaward costs.

(a) Except as provided in paragraph (c) of this section, Federal financial assistance is available only with respect to obligations incurred by the grantee on or subsequent to the effective date of the grant specified in the Notification of Grant Award issued under § 1403.11(c).

(b) Notwithstanding paragraph G-30 of Appendix F to Part 74 of this title, made applicable to this chapter by § 1405.34, no official, agent, or employee of the Institute or Department shall have the authority to provide authorization, prior to the notification of grant award, for the incurrence of obligations.

(c) (1) Grantees may be reimbursed for costs resulting from obligations incurred before the effective date of the grant if such costs are authorized by the Director in the notification of grant award or subsequently in writing, and if they would otherwise have been allowable if incurred after the effective date of the grant.

(2) The Director will not be obligated to authorize reimbursement for such preaward costs and will do so only when he/she is satisfied that such costs were both necessary to the carrying out of the grant purposes and in the public interest.

(31 U.S.C. 628; OMB Circular Nos. A-21, A-87)

§ 1403.10 Evaluation of applications.

(a) *Review procedures.* All applications filed in accordance with § 1403.4 shall be evaluated by the Director through officers and employees of the Institute and, when deemed advisable by the Director, by such experts or consultants engaged for this purpose as he/she determines are specially qualified in the areas of research involved in the project, provided that final actions on applications shall be taken only by the Director or his/her designee who will be directly responsible to the Director.

(b) *Criteria for evaluation.* Review of applications under paragraph (a) of this section will take into account the following factors.

(1) Potential of the proposed project for effectuating the purposes specified under § 1400.3;

(2) Significance of the proposed research for American education, including:

(i) Importance of the problem area from the standpoint of basic knowledge or problems of American education; and

(ii) Likely magnitude of the addition that will be made to knowledge if the project is successful, including the generalizability of the results;

(3) Quality of the proposed research project, including such considerations as:

(i) Extent to which the application exhibits thorough knowledge of pertinent previous work and relates the proposed research to it;

(ii) Likelihood of the success of the project; and

(iii) Adequacy of design, methodology and instrumentation, where appropriate;

(4) Qualifications of the principal investigator and other professional personnel, as evidenced by:

(i) Experience and previous research productivity; and

(ii) Quality of the discussion and analysis in the application;

(5) Adequacy of the facilities and arrangements available to the investigator to conduct the proposed study;

(6) Reasonableness of the budget for the work to be done and the anticipated results; and

(7) Where the applicant has previously received an award from the Federal Government, the applicant's compliance or noncompliance with requirements applicable to such prior award: *Provided, however,* That in any case where the Director proposes to deny assistance based upon the applicant's noncompliance with requirements applicable to a prior award, he shall do so only after affording the applicant reasonable notice and an opportunity to rebut the proposed basis for denial of assistance.

(31 U.S.C. 628)

§ 1403.11 Disposition of applications.

(a) On the basis of the review of an application pursuant to § 1403.10, the Director will either (1) approve the application in whole or in part, for such amount of funds and subject to such conditions as he/she may deem necessary or desirable for the completion of the approved project, (2) disapprove the application, or (3) defer action on the application for such reasons as lack of funds or a need for further review.

(b) *Reconsideration.* Any deferral or disapproval of an application shall not preclude its reconsideration or resubmission.

(c) *Notification of disposition.* The Director will notify the applicant in writing of the disposition of its application. A signed notification of grant award will be issued to notify the applicant of an approved project application.

§ 1403.13 Amendments.

(a) Substantive amendments will be subject to approval in the same manner, and on the same forms, as original applications. Only those pages of the required forms which relate to the requested changes should be submitted.

(b) Project amendments may be (1) requested by the grantee, as provided in § 1405.5 of this subchapter or (2) initiated by the Director if changes are made in Federal appropriations or laws, governing such projects. If such amendment constitutes a partial termination of the award, the procedures contained in § 1424.8 of this subchapter shall apply.

§ 1403.15 Preliminary proposals.

When he/she deems it necessary or desirable to effectuate the purposes and policies in § 1400.3 and § 1400.4(a) of this subchapter, the Director may require any applicant for assistance under this subchapter to submit a preliminary proposal or prospectus for review and approval prior to the acceptance of an application submitted under § 1403.4.

PART 1405—FEDERAL FINANCIAL PARTICIPATION

Subpart A—General Provisions

Sec.	
1405.1	Amount of award.
1405.2	Limitations on costs.
1405.4	Budget revisions.
1405.5	Review and direction of the research effort.
1405.7	Federal obligation.
1405.8	Payments.
1405.9	Duration of project.
1405.10	Obligation by grantee.
1405.11	Cash depositories.

Subpart B—Grant Payment Requirements

1405.20	Scope of subpart.
1405.21	Definitions.
1405.22	Payment methods for nonconstruction grants.
1405.23	Payment methods for construction grants.
1405.24	Withholding of payments.
1405.25	Requesting advances and reimbursements.

Subpart C—Cost Principles

1405.30	Scope of subpart.
1405.31	Grants to State or local governments.
1405.32	Grants to institutions of higher education.
1405.33	Grants to hospitals.
1405.34	Grants to other nonprofit organizations.
1405.35	Cost-type contracts.

AUTHORITY: Section 405 of the General Education Provisions Act, as added by section 301(a) (2) of Public Law 92-318, 86 Stat. 328 (20 U.S.C. 1221e), unless otherwise noted.

Subpart A—General Provisions

§ 1405.1 Amount of award.

Federal assistance shall be provided only to meet allowable costs incurred by the award recipient in carrying out the approved project in accordance with section 405 of the Act and the regulations of this subchapter.

(31 U.S.C. 628)

§ 1405.2 Limitations on costs.

The amount of the award shall be set forth in the grant award document. The total cost to the Government will not exceed the amount set forth in the grant award document or any modification thereof approved by the Director which meets the requirements of applicable statutes and regulations. The Government shall not be obligated to reimburse the grantee for costs incurred in excess of such amount unless and until the Director has notified the grantee in writing that such amount has been increased and has specified such increased amount, which meets the requirements of applicable statutes and regulations, in a revised grant award document pursuant to § 1403.13 of this subchapter. Such revised amount shall thereupon constitute the revised total costs of the performance of the grant.

(31 U.S.C. 200)

§ 1405.4 Budget revisions.

(a) As used in this paragraph:

(1) "Construction" means solely or primarily for construction.

(2) "Nonconstruction" means not solely or primarily for construction.

(OMB Circular No. A-102, Exhibit M-3, 5)

(b) For nonconstruction grants, grantees shall request prior approval promptly from the Director for proposed budget revisions whenever one or more of the following conditions prevail:

(1) The revision results from approved changes in the scope or the objective of the project;

(2) The revision indicates the need for additional Federal funding;

(3) The revisions involve the transfer of amounts budgeted for indirect costs to absorb increases in direct costs; or

(4) The revisions pertain to the addition of items requiring prior approval in accordance with the provisions of Subpart C of Part 1405 of this subchapter.

(5) The revisions pertain to items specifically disallowed as a condition of the grant.

(OMB Circular No. A-102, Attachment K, 1-2)

(c) Budget revisions for nonconstruction grants, other than those revisions set forth in paragraph (b) of this section, do not require approval by the Director. Budget revisions which do not require such approval include (1) the use of grantee funds in furtherance of project objectives over and above the grantee minimum share (if any) included in the approved budget and (2) the transfer of amounts budgeted for direct costs to absorb authorized increases in indirect costs.

(d) For construction grants, grantees shall request prior approval promptly from the Director for budget revisions whenever:

(1) The revision results from changes in the scope or objective of the project; or

(2) The revision increases the budgeted amounts of Federal funds needed to complete the project.

(OMB Circular No. A-102, Attachment K, 2)

(e) (1) For both construction and non-construction grants, grantees shall notify the Director promptly whenever the amount of Federal authorized funds is expected to exceed the needs of the recipient by more than \$5,000 or five percent (5%) of the Federal grant, whichever is greater.

(2) The notification required in paragraph (e) (1) of this section will not be required when applications for additional funding are submitted for continuing grants and those applications include the grantee's estimate of what the unobligated balance of Federally-authorized funds will be at the end of the current period.

(f) When requesting approval for budget revisions, grantees shall use the budget forms which were used in the application. However, grantees may request by letter the approval required by paragraph (b) (4) of this section.

(OMB Circular No. A-102, Attachment K, 2)

(g) Within 30 days from the date of receipt of the request for budget revisions, the Director will review the request and notify the grantee as to whether or not the budget revisions have been approved. If the revision is still under consideration at the end of such 30-day period, the Director will inform the recipient in writing as to when the grantee may expect the Director's decision.

(OMB Circular No. A-102, Attachment K, 3)

§ 1405.5 Review and direction of the research effort.

(a) Deviations from the project of a grantee in methodology, approach, or other aspects of the project that would expedite achievement of the project's research objectives are permitted without the necessity for an approved amendment to the notification of grant award, except with regard to changes described under paragraph (b) of this section.

(b) Prior amendment to the notification of grant award by the Director, in accordance with § 1403.13, is required for changes in the methodology, approach, or other aspects of the project for changes (1) in methodology, approach, or other aspects which are stated in the application or in the notification of grant award under § 1403.11(c) as a specific objective of the grant; (2) where the notification of grant award has contained detailed objectives or goals specified by the Institute and has provided for close control by the Institute over the direction, specifications, methods, or schedules of the research; or (3) in the stated objectives of the research effort and the phenomenon or phenomena under study.

(OMB Circular No. A-101)

§ 1405.7 Federal obligation.

The issuance of a grant award document will be regarded as an obligation of the Federal Government in the amount of the award.

(31 U.S.C. 200)

§ 1405.8 Payments.

(a) *Payment methods and adjustments.* Payments pursuant to grants may

be made in installments, and in advance or by way of reimbursement pursuant to Subpart B of this part, with necessary adjustments on account of overpayments or underpayments, as the Director may determine.

(b) *Violations.* A payment under any such grant for expenditures which fail to meet the requirements of any of the provisions of applicable Federal statutes, regulations, or the approved project application (including any terms and conditions applicable thereto) may be taken into account in the determination of any such overpayments and any adjustments relating thereto.

(c) *Current needs.* Funds paid pursuant to a grant for amounts expended by a grantee to carry out its function under such grant generally will be limited to the amount necessary to meet current needs for disbursement.

(d) *Adjustment of records.* Each grantee, in its maintenance of project expenditure accounts, records, and reports shall promptly make any necessary adjustments in its records to reflect refunds, credits, underpayments, or overpayments, resulting from Federal or State administrative reviews and audits or otherwise. Such adjustments shall be set forth in any financial reports required to be filed with the Director.

§ 1405.9 Duration of project.

(a) The amount of the grant award shall remain available for obligation by the grantee during the period specified in the grant award or until otherwise suspended or terminated. Such period may be extended by revision of the grant with or without additional funds pursuant to paragraph (b) of this section where otherwise permitted by law.

(b) When it is determined that special or unusual circumstances will delay the completion of the project beyond the period for obligation, the grantee must in writing request the Director to extend such period and must indicate the reasons therefor. If he/she deems it appropriate, the Director may extend the project period in accordance with law.

§ 1405.10 Obligation by grantee.

Obligations will be considered to have been incurred by a grantee on the basis of documentary evidence of binding commitments for the acquisition of goods or property or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of facilities, shall be considered to have been obligated as of the time such services were rendered, such travel was performed, and such rented facilities were used, respectively.

§ 1405.11 Cash depositories.

(a) *Physical separation and eligibility.* Except as provided in paragraph (b) of this section:

(1) Physical segregation of cash depositories for Federal funds which are provided to a grantee is not required; and

(2) There will be no eligibility requirements for cash depositories in which Federal funds are deposited by grantees.

(b) *Checks-paid basis letter of credit.* A separate bank account shall be used when payments under letter of credit are made on a "checks-paid" basis in accordance with agreements entered into by a grantee, the Federal Government, and the banking institutions involved. A checks-paid basis letter of credit is one under which funds are not drawn from the Treasury until the grantee's checks have been presented to its bank for payment.

(c) *Minority-owned banks.* Consistent with the national goal of expanding opportunities for minority business enterprises, grantees are encouraged to use minority-owned banks.

(OMB Circular No. A-102, Attachment A)

Subpart B—Grant Payment Requirements

§ 1405.20 Scope of subpart.

This subpart sets forth the methods of making grant payments to grantees. These methods will minimize the time elapsing between the disbursement by a grantee and the transfer of funds from the United States Treasury to the grantee, whether such disbursement occurs prior to or subsequent to the transfer of funds.

(OMB Circular No. A-102, Attachment J)

§ 1405.21 Definitions.

As used in this subpart:

"Advance by Treasury check" is a payment made by a Treasury check to a grantee upon its request or through the use of predetermined payment schedules before payments are made by the grantee.

"Letter of credit" is an instrument certified by an authorized official of the Federal Government which authorizes a grantee to draw funds when needed from the Treasury, through a Federal Reserve Bank and the grantee's commercial bank, in accordance with the provisions of Treasury Circular No. 1075.

"Percentage of completion method" refers to a system under which payments are made to the recipient of a construction grant according to a schedule which relates the amount and timing of each payment primarily or solely to the actual percentage of completion of the construction work under the grant rather than to the grantee's actual rate of disbursements.

"Reimbursement by Treasury check" is a payment made to a grantee with a Treasury check upon request for reimbursement from the grantee.

(OMB Circular No. A-102, Attachment J)

§ 1405.22 Payment methods for nonconstruction grants.

(a) Letters of credit will be used to pay grantees when all of the following conditions exist:

(1) There is or will be a continuing relationship between the grantee and the responsible Department finance office for at least a twelve-month period and the total amount of advances to be received from the finance office is \$250,000 or more, as prescribed by Treasury Circular No. 1075; and

(2) The grantee has established, or demonstrated to the Director the willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds from the Treasury and their disbursement by the grantee; and

(3) The grantee's financial management system meets the standards for fund control and accountability prescribed in Part 1417 of this subchapter.

(b) Advances by Treasury check will be used, in accordance with the provisions of Treasury Circular No. 1075, when the grantee meets all of the requirements specified in paragraph (a) of this section except those in paragraph (a) (1) of this section.

(c) Reimbursement by Treasury check will be the preferred (although not mandatory) method when the grantee does not meet the requirements specified in either or both of paragraphs (a) (2) and (a) (3) of this section. This method may also be used when the major portion of the program is accomplished through private market financing or Federal loans, and the Federal grant assistance constitutes a minor portion of the program.

(d) Grantees will be authorized to submit no less often than monthly their requests for advances or reimbursements when letters of credit or predetermined automatic Treasury check advances are not used.

(OMB Circular No. A-102, Attachment J)

§ 1405.23 Payment methods for construction grants.

(a) The percentage of completion method will not be used to pay for construction.

(b) Reimbursement by Treasury check shall be the preferred method when the grantee does not meet the requirements specified in § 1405.22(a) (2) and (3), and may be used for any other construction grant except where the Department has entered into an agreement with a grantee to use a letter of credit for all Department grants, including construction grants.

(c) When the reimbursement by Treasury check method is used, grantees will be authorized to submit no less often than monthly their requests for reimbursement.

(d) When the reimbursement by Treasury check method is not used, § 1405.22 (a) and (b) shall be applicable to the construction grant. Implementing procedures under § 1405.22 (a) and (b) shall be insofar as possible the same for construction grants as for nonconstruction grants awarded to the same grantee.

(OMB Circular No. A-102, Attachment J)

§ 1405.24 Withholding of payments.

Unless otherwise required by law, payments for proper charges incurred by grantees will not be withheld unless the grant is suspended pursuant to § 1424.8 (c) or the grantee is indebted to the United States and collection of the indebtedness will not impair the accomplishment of the objectives of any grant

or contract program sponsored by the United States. When a grant is suspended, payment adjustments will be made in accordance with § 1424.8. When an indebtedness is to be collected, the Director may, upon reasonable notice to the grantee, withhold from the grantee the right to receive payments under the grant or require appropriate accounting adjustments to recorded cash balances for which the grantee is accountable to the Federal Government, in order to liquidate the indebtedness.

(OMB Circular No. A-102, Attachment J)

§ 1405.25 Requesting advances or reimbursements.

Part 1419 of this subchapter sets forth the procedures and forms for requesting advances or reimbursements.

(OMB Circular No. A-102, Attachment J)

Subpart C—Cost Principles

§ 1405.30 Scope of subpart.

This subpart establishes the principles to be used (except to the extent inconsistent with an applicable Federal statute or regulation) in determining costs applicable to grants awarded by the Director and to cost-type contracts under such grants.

(OMB Circular Nos. A-21, A-87)

§ 1405.31 Grants to State or local governments.

The principles to be used in determining the allowable costs of activities conducted or administered by State and local governments are set forth in Appendix C to Part 74 of this title.

(OMB Circular No. A-87)

§ 1405.32 Grants to institutions of higher education.

(a) *Research and development.* The principles for determining the allowable costs of research and development work performed by institutions of higher education are set forth in Part I of Appendix D to Part 74 of this title.

(b) *Training and other educational services.* The principles for determining the allowable costs of training and other educational services provided by institutions of higher education are set forth in Part II of Appendix D to Part 74 of this title.

(c) *Other activities.* Appendix D to Part 74 of this title shall be used as a guide for determining the allowable costs of other activities conducted by institutions of higher education.

(OMB Circular No. A-21)

§ 1405.33 Grants to hospitals.

(a) *Research and development.* The principles for determining the allowable costs of research and development work performed by hospitals are set forth in Appendix E to Part 74 of this title.

(b) *Other activities.* Appendix E to Part 74 of this title shall be used as a guide for determining the allowable costs of other activities conducted by hospitals.

§ 1405.34 Grants to other nonprofit organizations.

(a) *Nonconstruction.* The principles for determining the allowable costs of nonconstruction activities conducted by nonprofit organizations other than institutions of higher education, hospitals, States, and local governments are set forth in Appendix F to Part 74 of this title.

(b) *Construction.* Appendix F to Part 74 of this title shall be used as a guide for determining the allowable costs of construction by nonprofit organizations (other than institutions of higher education, hospitals, States, and local governments).

§ 1405.35 Cost-type contracts.

(a) It should be noted that the cost principles applicable to a cost-type contractor under a grant will not necessarily be the same as those applicable to the grantee. For example, where a State government awards a cost-type contract to an institution of higher education, Appendix D to Part 74 of this title would apply to the costs incurred by the institution of higher education, even though Appendix C to Part 74 of this title would apply to the costs incurred by the State.

(b) The principles to be used in determining the allowable costs of work performed by commercial organizations under cost-type contracts awarded to them are set forth in 41 CFR Subpart 1-15.2.

PART 1407—COST SHARING

Sec.	
1407.1	Purpose and scope.
1407.2	Definitions.
1407.3	General policy.
1407.4	Arrangements for cost sharing.
1407.6	Extent of cost sharing.
1407.8	Allowability.
1407.9	Valuation of in-kind contributions from third parties.
1407.10	Supporting records for in-kind contributions from third parties.

AUTHORITY: Section 405 of the General Education Provisions Act, as added by section 301(a)(2) of Public Law 92-318, 86 Stat. 328 (20 U.S.C. 1221e); OMB circular No. A-102, Attachment F)

§ 1407.1 Purpose and scope.

This part establishes policies and procedures for cost sharing in research grants. It includes criteria and procedures for the allowability and evaluation of cash and in-kind contributions in satisfying cost sharing requirements of grants.

§ 1407.2 Definitions.

"Cash contributions" means the grantee's cash outlay, including the outlay of money contributed to the grantee by third parties. Unless authorized by Federal legislation, outlays charged to other grants or to Federal contracts may not be considered as the grantee's cash contributions.

"In-kind contributions" represent the value of noncash contributions provided by the grantee or third parties. In-kind contributions may consist of charges for real property and nonexpendable per-

sonal property, and the value of goods and services directly benefitting and specifically identifiable to the grant-supported activity. Unless otherwise authorized by Federal legislation, charges for property purchased wholly with Federal funds, and charges based on the Federal share of the value of property purchased partly with Federal funds, may not be considered as the grantee's in-kind contributions.

"Matching or cost sharing" represents, in general, that portion of project costs not borne by the Federal Government.

"Project costs" means the sum of (a) the allowable costs incurred by the grantee and (b) the allowable in-kind contributions made by third parties.

§ 1407.3 General policy.

As provided in applicable law, Institute funds shall not be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of the project.

§ 1407.4 Arrangements for cost sharing.

Grantees may share in the costs of grant-supported research projects either under institutional cost sharing agreements or under cost-sharing arrangements negotiated on a project-by-project basis.

(a) An institutional cost sharing agreement may be negotiated covering the aggregate of all or some of the research projects supported by the Department's grant funds.

(b) In the absence of an institutional cost sharing agreement, a separate cost sharing agreement must be negotiated for each research project supported with Institute funds.

§ 1407.6 Extent of cost sharing.

The amount of cost sharing will be negotiated according to a combination of such factors as:

(a) The extent to which the grantee has shared in the cost of previous grants;

(b) The ability of the grantee to recover cost shared amounts from non-Federal sources; and

(c) The extent to which the Government desires to stimulate the area of research.

(d) The relevance of the research effort to the non-Federal activity of the grantee.

§ 1407.8 Allowability.

(a) Cost sharing may consist of:

(1) Charges incurred by the grantee as project costs. Not all charges require cash outlays during the grant period by the grantee; examples are depreciation and use allowances for buildings and equipment.

(2) Project costs financed with cash contributed or donated to the grantee by third parties.

(3) Project costs represented by in-kind contributions made by non-Federal third parties. Where in-kind contributions are made by the Federal Government, they may be included in the

grantee's cost sharing only if Federal legislation authorizes such inclusion.

(b) All contributions whether cash or in-kind (including in-kind contributions from third parties) shall be accepted as part of the grantee's cost sharing when such contributions:

(1) Are identifiable from the grantee's records;

(2) Are not included as contributions for any other Federally-assisted program, or any Federal contract;

(3) Are necessary and reasonable for proper and efficient accomplishment of project objectives;

(4) If made by the grantee, are types of costs which are allowable under the applicable cost principles specified in Subpart C of Part 1405 of this subchapter;

(5) Are not borne by the Federal Government directly or indirectly under any Federal grant or contract (unless the other grant or contract may, under authority of law, be used for cost sharing); and

(6) Conform to other applicable provisions of this part.

§ 1407.9 Valuation of in-kind contributions from third parties.

(a) *Valuation of volunteer services—*

(1) *General.* Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. Volunteered service may be counted as cost sharing if it is an integral and necessary part of an approved program.

(2) *Rates for volunteer service.* Rates for volunteers should be consistent with those regular rates paid for similar work in other activities of the grantee. In cases where the kinds of skills required for the Federally-assisted activities are not found in the other activities of the grantee, rates used should be consistent with those paid for similar work in the labor market in which the grantee competes for the kind of services involved.

(3) *Volunteers employed by other organizations.* When an employer other than the grantee furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay (exclusive of fringe benefits and overhead cost) provided these services are in the same skill for which the employee is normally paid.

(b) *Valuation of donated real or tangible personal property, or use thereof.—*

(1) *Donation of title.* If the donor transfers title to the property, the amount to be allowed as matching or cost sharing shall be determined as if the grantee had purchased the property and had paid the fair market value of the property at the time of transfer.

(2) *Donation of use.* If only use of the property is donated, and the donor retains title, the amount to be allowed as matching or cost sharing shall be determined as if the grantee had rented the property and had paid the property's fair rental value.

(3) *Appraisal.* The Director may require that the value of real property be

established by an independent appraiser (i.e., a private realty firm or a General Services Administration representative) and certified by the responsible official of the grantee as a precondition to allow-ability for matching or cost sharing purposes.

(c) *Valuation of other in-kind contributions by third parties.* Other necessary in-kind contributions made by third parties specifically for and in direct benefit to the grant program may be accepted as matching or cost sharing provided that they are adequately supported and permissible under the law. Such charges must be reasonable and properly justifiable.

§ 1407.10 Supporting records for in-kind contributions from third parties.

The following requirements pertain to the grantee's supporting records for in-kind contributions from third parties:

(a) The extent of volunteer services must be supported by the same methods used by the grantee for its employees.

(b) The basis for determining the charges for personal services, material, equipment, buildings, and land must be documented.

PART 1409—GRANT RELATED INCOME

- Sec.
- 1409.1 Scope of part.
- 1409.2 Meaning of program income.
- 1409.3 Interest income.
- 1409.4 Sale of real and personal property.
- 1409.5 Royalties.
- 1409.6 Other program income.
- 1409.7 Earmarked revenues of State or local governments.

AUTHORITY: Section 405 of the General Education Provisions Act, as added by section 301(a) (2) of Public Law 92-318, Stat. 328 (20 U.S.C. 1221e); OMB Circular No. A-102, Attachment E, unless otherwise noted.

§ 1409.1 Scope of part.

This part sets forth standards for grantees in accounting for program income and other income related to projects and programs financed in whole or in part with Federal funds.

§ 1409.2 Meaning of program income.

As used in this part, the term "program income" shall have the meaning set forth for that term in § 1419.2.

§ 1409.3 Interest income.

(a) As used in paragraph (b) of this section:

(1) The term "State" shall have the meaning set forth in § 102 of the Intergovernmental Cooperation Act of 1968.

(2) The term "grant-in-aid" shall have the meaning set forth for that term in section 106 of the Intergovernmental Cooperation Act of 1968.

(b) In accordance with section 203 of the Intergovernmental Cooperation Act of 1968, States shall not be held accountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes.

(c) In all other cases, grantees shall remit to the Federal Government any interest earned on advances of grant funds.

(Pub. L. 90-577, secs. 102, 106, 203)

§ 1409.4 Sale of real and personal property.

Proceeds from the sale of real and tangible personal property whose acquisition cost was borne in whole or in part by Federal funds shall be handled in accordance with Part 1415 of this subchapter.

(OMB Circular No. A-102, Attachment N.)

§ 1409.5 Royalties.

(a) *Applicability.*—(1) Copyrights. This section applies to royalties received by grantees from copyrights on publications or other works developed under Federal funds.

(2) *Patents.* This section also applies to royalties received by grantees from patents on inventions conceived or first actually reduced to practice in the course of or under any Federally assisted grant.

(b) *During the grant period.* (1) If the grantee is a State or local government, royalties received during the grant period shall be retained by the grantee. The terms and conditions of the grant shall provide either:

(i) That such royalties shall be used by the grantee for any purposes which further the objectives of the legislation under which the grant was made, or

(ii) That such royalties shall be deducted from total project costs for the purpose of determining the net costs on which the Federal share of costs shall be based.

(2) When the grantee is a State or local government, the grantee shall elect either of the alternatives specified in subparagraph (1) of this paragraph if the terms and conditions of the grant do not specify which is to be followed.

(3) If the grantee is not a State or local government, disposition of royalties received during the grant period shall be governed by the terms and conditions of the grant or other agreements made pursuant to § 1415.15(b) and by § 1415.17.

(c) *After the grant period.*—(1) *Copyrights.* (i) Disposition of copyright royalties received after the termination or completion of the grant period will ordinarily be governed by specific agreements between the Director and the grantee as provided in paragraph (b) (3) of this section.

(ii) If the grantee is a State or local government and no other agreement between the Director and the grantee is applicable, the Federal share of copyright royalties in excess of \$200 received annually shall be paid by the grantee to the Federal Government. In such cases, the Federal share of the royalties shall be computed on the same ratio basis as the percentage of Federal participation in the cost of the project or program. This percentage of participation shall be determined in accordance with § 1415.19.

(2) *Patents.* Disposition of patent royalties received after the termination or completion of the grant period shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (Parts 6 and 8 of this title).

§ 1409.6 Other program income.

(a) This section applies to all program income earned during the grant period except royalties and proceeds from the sale of real property or tangible personal property.

(b) All such income earned during the grant period shall be retained by the grantee. The terms and conditions of the grant shall provide either:

(1) That such income shall be used by the grantee for any purposes which further the objectives of the legislation under which the grant was made, or

(2) That such income shall be deducted from total project costs for the purpose of determining the net costs on which the Federal share of costs shall be based.

(c) The grantee shall elect either of the alternatives specified in paragraph (b) of this section if the terms and conditions of the grant do not specify which is to be followed.

§ 1409.7 Earmarked revenues of State or local governments.

State or local government grantees shall record the receipt and expenditure of revenues such as taxes, special assessments, levies, fines, etc., as a part of grant projects transactions when such revenues are specifically earmarked for a grant project in accordance with the terms and conditions of a grant.

PART 1410—MISCELLANEOUS REQUIREMENTS

Subpart A—Data-Collection Instruments and Protection of Human and Animal Subjects

- Sec.
 - 1410.1 Data-collection instruments.
 - 1410.2 Protection of human subjects.
 - 1410.3 Treatment of animals.
- Subpart B—General Requirements**
- 1410.7 Principal investigators.
 - 1410.10 Retention of records.
 - 1410.14 Financial interest prohibited.
 - 1410.15 Dual compensation.
 - 1410.16 Fees to Federal employees.
 - 1410.19 Commencement of project activity.
 - 1410.21 Leasing facilities.

AUTHORITY: Section 405 of the General Education Provisions Act as added by section 301(a) (2) of Public Law 92-318, Stat. 328 (20 U.S.C. 1221e), unless otherwise noted.

Subpart A—Data Collection Instruments and Protection of Human and Animal Subjects

§ 1410.1 Data-collection instruments.

(a) *Definitions.* For the purposes of this section:

"Child" means an individual who has not attained the legal age of consent as determined under the applicable law of the jurisdiction in which research is to be conducted.

"Data-collection instruments" means tests, questionnaires, inventories, interview schedules or guides, rating scales, and survey plans or any other forms which are used to collect information on substantially identical items from 10 or more respondents.

"Respondents" means individuals or organizations from whom information is collected.

(b) *Applicability.* This section does not apply to instruments which deal solely with (1) functions of technical proficiency, such as scholastic aptitude, school achievement, and vocational proficiency; (2) routine demographic information; or (3) routine institutional information.

(c) *Protection of privacy.* Data-collection instruments shall not be used which constitute unnecessary or offensive intrusions of privacy through inquiries regarding such matters as religion, sex, race, or politics.

(d) *Clearance of instruments.* (1) Grantees are not required to submit data-collection instruments to the Director or obtain the Director's approval for the use of these instruments, except where the notification of grant award specifically so provides.

(2) If a grantee is required under subparagraph (1) of this paragraph to submit data-collection instruments for the approval of the Director, or if a grantee wishes to have Federal approval of a data-collection instrument, the grantee shall submit seven copies of the document to the Director along with seven copies of the Office of Management and Budget's standard form No. 83 and seven copies of the Supporting Statement as required in the "Instructions for Requesting OMB Approval under the Federal Reports Act".

(Standard form No. 83A).

(e) *Responsibility for collection of information.* A grantee shall not in any way represent or imply (either in a letter of transmittal, in the data-gathering instruments themselves, or in any other manner) that the information is being collected by or for the Federal Government or any of its subdivisions. Basic responsibility for the study and the data-gathering instruments rests with the grantee.

(f) *Parental consent.* In the case of any survey using data-collection instruments in which children are involved as respondents, the grantee, in addition to observing the other requirements contained in this section, and in § 1410.2 as appropriate, shall provide assurances satisfactory to the Director that informed consent will be obtained from the parents of each such respondent prior to the use of such instruments, except that: a waiver from the requirements of this paragraph for specific data-collection activities may be granted by the Director upon the written request and justification therefore by the grantee.

§ 1410.2 Protection of human subjects.

All grantees, insofar as their proposal involves research with human subjects, must insure that the rights and welfare of human subjects are maintained. Every precaution must be taken to protect human subjects from physical, psychological, or sociological harm, in accordance with the specific provisions of the Department's policy on the treatment of human subjects (Title 41, Subpart 3—4.55 of the Code of Federal Regulations).

§ 1410.3 Treatment of animals.

If animals are utilized in any project receiving assistance, the applicant for such assistance shall provide assurances satisfactory to the Director that such animals will be provided with proper care and humane treatment, in accordance with the Animal Welfare Act of 1970 (Public Law 89-544, as amended).

Subpart B—General Requirements

§ 1410.7 Principal investigators.

All grant awards shall be subject to the condition that the principal investigator(s) designated in the application as responsible for the conduct of the approved project shall continue to be responsible for the duration of the project period. Whenever any such investigator shall become absent for a period of three months or longer or otherwise become unavailable for any reason to discharge this responsibility, the grant shall be terminated and an accounting rendered as provided in §§ 1424.8 and 1424.10 of this subchapter unless the grantee replaces such investigator with another person found by the Director to be qualified to direct and conduct the approved project.

(OMB Circular No. S-101)

§ 1410.10 Retention of records.

(a) *Records.* Each grantee shall keep intact and accessible records relating to the receipt and expenditure of Federal funds and to the expenditure of the grantee's contribution to the cost of the project, if any, including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the grant.

(b) *Retention.* (1) Except as otherwise provided in this paragraph and paragraph (d) of this section, the records specified in paragraph (a) of this section shall be retained (i) for 3 years after the date of the submission of the final expenditure report, or (ii) for grants which are renewed annually, for 3 years after the date of the submission of the annual expenditure report. (2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.* Grantees may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.* The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions: *Provided, however,* That records need not be retained if they relate to a grant with respect to which actions by the United States to recover for diversion of Federal funds are barred by the statute of limitation in 28 U.S.C. 2415(b).

(e) *Audit and examination.* (1) The Secretary, the Director, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose

of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the grantee.

(2) In the case of a contract negotiated by the grantee and exceeding \$2500, the grantee, the Secretary, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which the grantee, the Secretary, the Comptroller General of the United States, or any of their duly authorized representatives determine are pertinent to the specific grant for the purpose of making audit, examination, excerpts, and transcripts.

(OMB Circular No. A-73; OMB Circular No. A-102, Attachment C)

§ 1410.14 Financial interest prohibited.

A person who is a public official, officer, or member of, or who is otherwise associated with a grantee, may not participate in an administrative decision of the Federal Government with respect to the grantee's project, if such decision can be expected to result in any benefit or remuneration, including, without limitation, a royalty, commission, contingent fee, brokerage fee, or other benefit, to him/her or to any member of his/her immediate family.

§ 1410.15 Dual compensation.

If a project staff member or consultant of one grantee is involved simultaneously in two or more projects supported by any funds either under this chapter or otherwise, he/she may not be compensated for more than 100 percent of his time charged to funds under this chapter from any funds during any part of the period of dual involvement.

§ 1410.16 Fees to Federal employees.

Unless specifically authorized by law, the grantee shall not use any Federal funds or funds from other sources to pay a fee to, or travel expenses of, employees of the Federal Government for lectures, attending program functions, or any other activities in connection with the grant.

§ 1410.19 Commencement of project activity.

Projects receiving Federal financial assistance shall commence within a reasonable period of time subsequent to the awarding of the grant.

§ 1410.21 Leasing facilities.

In the case of a project involving the leasing of a facility, the grantee shall demonstrate that it will have the right to occupy, to operate, and, if necessary, to maintain and improve the leased facility during the proposed period of the project.

PART 1412—MONITORING AND REPORTING PERFORMANCE

Sec.	Scope of part.
1412.1	Monitoring by grantees.
1412.2	

- 1412.3 Performance reports for nonconstruction grants.
- 1412.4 Performance reports for construction grants.
- 1412.6 Significant developments between scheduled reporting dates.
- 1412.8 Budget revision.
- 1412.10 Site visits.

AUTHORITY: Section 405 of the General Education Provisions Act, as added by section 301(a) (2) of Public Law 92-318, 86 Stat. 328 (20 U.S.C. 1221e); OMB Circular No. A-102, Attachment I.

§ 1412.1 Scope of part.

This part sets forth the procedures for monitoring and reporting program performance. These procedures are designed to place greater reliance on grantees to manage the day-to-day operations of their Federally-supported activities.

§ 1412.2 Monitoring by grantees.

Grantees shall constantly monitor the performance under grant-supported activities to assure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved. This review shall be made for each program, function, or activity of each grant as set forth in the approved grant application.

§ 1412.3 Performance reports for nonconstruction grants.

(a) *Performance reports.* Grantees shall submit a performance report for each grant which briefly presents the following for each program, function, or activity involved:

- (1) A comparison of actual accomplishments to the goals established for the period. Where the output of grant programs can be readily quantified, such quantitative data should be related to cost data for computation of unit costs;
- (2) Reasons for slippage in those cases where established goals were not met;
- (3) Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(b) Where the Director determines that performance information sufficient to meet the Institute's programmatic needs will be available from continuation or renewal applications, the Director will require the grantee to submit a performance report only with the final financial report.

(c) Except as provided in paragraph (b) of this section, grantees shall submit a performance report with each financial report in the frequency established by the Director. The Director will prescribe the frequency with which performance reports will be submitted with the Request for Advance or Reimbursement when that form is used in lieu of the Financial Status Report; in such cases, performance reports will be required not more frequently than quarterly, or less frequently than annually.

§ 1412.4 Performance reports for construction grants.

In general, the Director will rely heavily on onsite technical inspection

and certified percentage-of-completion data to keep him/herself informed as to progress under construction grants. Therefore, formal performance reports from grantees to supplement those sources of information will be required only if deemed necessary by the Director, and in no case more frequently than quarterly.

§ 1412.6 Significant developments between scheduled reporting dates.

Between the required performance reporting dates, events may occur which have significant impact upon the project or programs. In such cases, the grantee shall inform the Director as soon as the following types of conditions become known:

- (a) Problems, delays, or adverse conditions which will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project performance units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.
- (b) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more performance units than originally projected.

§ 1412.8 Budget revision.

If any performance review conducted by the grantee discloses the need for change in the budget estimates in accordance with criteria established, the grantee shall submit a request for budget revision in accordance with § 1405.4 of this subchapter.

§ 1412.10 Site visits.

The grantee shall cooperate in site visits by representatives of the Institute to:

- (a) Review program accomplishments and management control systems.
- (b) Provide such technical assistance as may be required.

PART 1414—PROCUREMENT STANDARDS FOR GRANTEEES

- | | |
|---------|------------------------------------|
| Sec. | |
| 1414.1 | General standards for procurement. |
| 1414.4 | Code of conduct. |
| 1414.5 | Free competition. |
| 1414.6 | Procedural requirements. |
| 1414.7 | Negotiated procurement. |
| 1414.10 | Contractor responsibility. |
| 1414.11 | Records. |
| 1414.12 | Contract administration system. |
| 1414.15 | Contract provisions. |
| 1414.16 | Procurement of construction. |

AUTHORITY: Sec. 405 of the General Education Provisions Act, as added by Sec. 301 (a) (2) of Public Law 92-318, 86 Stat. 328 (20 U.S.C. 1221e); OMB Circular A-102, Attachment O, unless otherwise noted.

§ 1414.1 General standards for procurement.

(a) Each project application shall provide that the activities and services for which Federal financial assistance is sought will be administered by, or under the supervision of, the applicant.

(b) The grantee shall not transfer to others, responsibility, in whole or in part, for the use of Federal funds for the conduct of project activities, but may enter into contracts or arrangements with others for carrying out a portion of any such activities in accordance with the provisions of this part.

(c) This part provides standards for use by grantees in establishing procedures for the procurement of supplies, equipment, construction, and other services with Federal grant funds. These standards are furnished to insure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and Executive orders.

(d) The standards contained in this part do not relieve the grantee of the responsibilities arising under its contracts. The grantee is the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in support of a grant. This includes but is not limited to: Disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

(e) Grantees may use their own procurement regulations which reflect applicable State and local law, rules, and regulations provided that procurements made with Federal grant funds adhere to the standards set forth in this part.

§ 1414.4 Code of conduct.

The grantee shall maintain a code or standards of conduct which shall govern the performance of its officers, board members, employees, or agents in contracting with and expending Federal grant funds. The grantee's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible by State or local law, rules, or regulations, or if the grantee is not a State or local government to the extent that the grantee determines that it has the legal and practical capacity for enforcement, such standards shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the grantee officers, employees, or agents, or by contractors or their agents.

§ 1414.5 Free competition.

The grantee's procurement system shall provide for competition in selecting contractors (including suppliers) to the maximum practical extent consistent with the objectives and needs of its Federally assisted activities. The grantee should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

§ 1414.6 Procedural requirements.

The grantee shall establish procurement procedures which provide for, as

a minimum, the following procedural requirements: (a) Proposed procurement actions shall be reviewed by appropriate officials of the grantee to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(b) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and when so used, the specific features of the named brand which must be met by offerors should be clearly specified.

(c) Positive efforts shall be made by the grantees to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed utilizing Federal grant funds.

(d) The type of procuring instruments used (i.e., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.), shall be appropriate for the particular procurement and for promoting the purposes of this subchapter. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(e) If the grantee is a State or local government, formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to § 1414.7 is necessary to accomplish sound procurement. However, procurements of \$2,500 or less need not be so advertised unless otherwise required by State or local law or regulations.

(1) Where such advertised bids are obtained, the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the State or local government, price and other factors considered. Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid.

(2) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the State or local government.

(3) Any or all bids may be rejected when it is in the State or local government's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations.

§ 1414.7 Negotiated procurement.

(a) Procurements may be negotiated by State or local government grantees if it is impracticable and unfeasible to use formal advertising. Generally, procurements may be negotiated by the

grantee if one or more of the following conditions prevail:

(1) The public exigency will not permit the delay incident to advertising;

(2) The material or service to be procured is available from only one person or firm; all contemplated sole source procurements where the aggregate expenditure is expected to exceed \$5,000 shall be referred to the Director for prior approval;

(3) The aggregate amount involved does not exceed \$2,500;

(4) The contract is for personal or professional services, or for any service to be rendered by university, college, or other educational institutions, subject to the requirements of §§ 1414.1(a) and (b) and 1410.7 of this subchapter.

(5) The material or services are to be procured and used outside the limits of the United States and its possessions;

(6) No acceptable bids have been received after formal advertising;

(7) For materials or services where the prices are established by law;

(8) For experimental, developmental or research work;

(9) Otherwise authorized by law, rules, or regulations.

(b) Notwithstanding the existence of circumstances justifying negotiation, competition shall be obtained to the maximum extent practicable.

§ 1414.10 Contractor responsibility.

Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Considerations shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

§ 1414.11 Records for negotiated procurements by State or local governments.

Procurement records or files of State or local government grantees for negotiated purchases in amounts in excess of \$2,500 shall provide at least the following pertinent information: Justification for the use of negotiation in lieu of advertising, contractor selection, and the basis for the cost or price negotiated. Justification for the use of negotiation in lieu of advertising may be provided on a class basis or on an individual contract basis.

§ 1414.12 Contract administration system.

A system for contract administration shall be maintained by the grantee to assure contractor conformance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely followup of all purchases.

§ 1414.15 Contract provisions.

The grantee shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts which it awards where the contract costs are to be borne as a direct charge in whole or in part by Federal funds:

(a) Contracts awarded by State or local government grantees shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contracts terms, and provide for such sanctions and penalties as may be appropriate.

(b) All contracts awarded by State or local government grantees, amounts for which are in excess of \$2,500, shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(c) (1) All research or development contracts or agreements shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to § 1415.15 and § 1415.17 of this subchapter and any regulations issued by the grantee. Detailed copyright provisions covering project grants of the Institute will be issued as a separate regulation.

(2) The grantee shall assure that the performer of the research or development work either is given all necessary information regarding these matters, or is advised as to the source of such information. This subparagraph shall also apply to nonresearch and nondevelopment awards in fields of science or technology in which there has been little significant experience outside of work funded by the Federal Government.

(d) All negotiated contracts except those of \$2,500 or less awarded by grantees shall include provisions giving access to, and requiring retention of, the contractor's records in accordance with § 1410.10 of this subchapter.

(e) Contracts of amounts in excess of \$100,000 shall contain a provision which requires compliance with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970, as amended (42 U.S.C. 1857b et seq.). Suspected violations shall be reported by the grantee in writing to the Institute and the regional office of the United States Environmental Protection Agency.

§ 1414.16 Procurement of construction.

All construction contracts are subject to the provisions of Part 1422 of this subchapter.

PART 1415—PROPERTY MANAGEMENT REQUIREMENTS

Sec.	
1415.1	Scope of part.
1415.2	General.
1415.3	Definitions.
1415.5	Real property.
1415.7	Nonexpendable personal property.
1415.9	Special property.
1415.11	Property management standards.
1415.13	Expendable personal property.
1415.14	Publications.
1415.15	Copyright.

- 1415.17 Patents and inventions.
1415.19 Determining percentage of participation.

AUTHORITY: Section 405 of the General Education Provisions Act as added by section 301(a) (2) of Public Law 92-318, 86 Stat. 328 (20 U.S.C. 1221e); OMB Circular A-102, Attachment N.

§ 1415.1 Scope of part.

This part prescribes policies and procedures governing title, use, and disposition of real and tangible personal property whose acquisition cost was borne in whole or in part as a direct charge by Federal grants and ownership and rights for intangible personal property developed under Federal grants.

§ 1415.2 General.

Grantees may follow their own property management policies and procedures, provided they observe the requirements of this part.

§ 1415.3 Definitions.

As used in this part:

"Acquisition" of property includes purchase, construction, or fabrication of property.

"Acquisition cost" of nonexpendable personal property acquired by purchase means the net invoice price of the property, including any attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Ancillary charges such as taxes, duty, protective intransit insurance, freight, or installation shall be included in or excluded from acquisition cost in accordance with the grantee's regular accounting practices.

"Real property," means land, land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

§ 1415.5 Real property.

Title to real property whose acquisition cost was borne in whole or in part by Federal funds shall vest in the grantee upon acquisition. In the absence of applicable statutory provisions governing the use or disposition of such property, it shall be subject to the following requirements, in addition to any other requirements imposed by the terms and conditions of the grant.

(a) The grantee shall use the real property for the purposes authorized by the original grant as long as needed.

(b) The Director may authorize the grantee to use the property for the following (but no other) purposes when the grantee determines that the property is no longer needed for the originally authorized purposes:

(1) Activities sponsored by other Federal awards (regardless of which Federal agency makes the other awards), or

(2) Activities not sponsored by other Federal awards, but which, nevertheless, have purposes consistent with those of the legislation under which the original award was made.

(c) (1) When no longer used in accordance with paragraphs (a) and (b) of this section, the grantee shall return to the

control of the Director all real property whose acquisition cost was borne wholly by Federal funds. If the acquisition cost of the property was borne partly by Federal funds, the grantee may be relieved of accountability to the Federal Government with respect to the Federal interest in the property by compensating the Federal Government for its fair share of the current value of the property, or if the grantee no longer needs the property, by selling it and compensating the Federal Government for its fair share of the sales proceeds.

(2) The amount of compensation to the Federal Government under subparagraph (1) of this paragraph shall be computed by applying the percentage of Federal participation in the cost of the project for which the property was acquired to the property's current fair market value (if the recipient retains the property) or to the proceeds from sale (if the recipient sells the property). In most cases, the real property will have been acquired under an award whose purpose was to assist the recipient in acquiring the property (e.g., a construction grant). In such cases, the "total cost of the project for which the property was acquired" will ordinarily be the same as the acquisition cost of the property.

§ 1415.7 Nonexpendable personal property.

(a) **Title.** When nonexpendable personal property is acquired by a grantee wholly or in part with Federal funds, title shall be vested in the grantee subject to requirements respecting (1) use and disposition of the property set forth in paragraphs (b) and (c), and (2) management of the property set forth in § 1415.11 of this part.

(b) **Use.** (1) The grantee shall retain such property in the grant project as long as there is a need for such property to accomplish the purpose of the project, whether or not the project continues to be supported by Federal funds.

(2) When there is no longer a need for such property to accomplish the purpose of the project, the grantee shall use the property in connection with other Federal awards it has received in the following order of priority:

(i) Other awards under Federal programs administered by the Director needing the property;

(ii) Awards of other Federal agencies needing the property.

(3) When the grantee no longer has need for such property in any of its federally financed projects, the property may be used for the grantee's own official activities in accordance with the following standards:

(i) If the property had an acquisition cost of less than \$500 per unit and has been used 4 years or more, the grantee may use the property without reimbursement to the Federal Government or sell the property and retain the proceeds;

(ii) For all such property not covered under paragraph (b) (3) (i) of this section, the grantee may retain the property for its own use provided that a fair compensation is made to the Federal Government for the Federal share of the prop-

erty. The amount of such compensation shall be computed by applying the percentage of Federal participation in the project to the current fair market value of the property.

(c) **Disposition.** If the grantee has no need for the property, disposition of the property shall be made as follows:

(1) If the property had an acquisition cost of \$1,000 or less per unit (except for property covered under paragraph (b) (3) (i) of this section), the grantee shall sell the property and reimburse the Federal Government in accordance with paragraph (b) (2) (iii) of this section.

(2) If the property had an acquisition cost of over \$1,000 per unit, the grantee shall request disposition instructions from the Director. The Director will issue instructions to the grantee within 120 days following the receipt of such request and the following procedures shall govern:

(i) If the grantee is instructed to ship the property elsewhere, the grantee will be reimbursed by the Federal Government with an amount which is computed by applying the percentage of the grantee's participation in the project to the current fair market value of the property, plus any shipping or interim storage costs incurred.

(ii) If the grantee is instructed to otherwise dispose of the property, the grantee will be reimbursed by the Federal Government for the costs incurred in such disposition.

(iii) If disposition or other instructions are not issued within the 120-day period specified in this subparagraph (2), the grantee shall sell the property and reimburse the Federal Government with an amount which is computed by applying the percentage of Federal participation in the project to the sales proceeds. The grantee may retain \$100 or 10 percent of the proceeds, whichever is greater, for the grantee's selling and handling expenses.

§ 1415.9 Special property.

Where the Director determines that nonexpendable personal property with an acquisition cost of \$1,000 or more and financed solely with Federal funds is unique, difficult, or costly to replace, he/she may reserve the right to require the grantee to transfer title to such property to the Federal Government or to a third party named by the Director, subject to the following provisions:

(a) The right to require the transfer of title may be reserved only by means of an express special condition in the grant, or if approval for the acquisition of the property is given after the grant is awarded, by means of a written stipulation at the time the approval is given.

(b) The property shall be appropriately identified in the award or otherwise made known to the grantee.

(c) The Director will not exercise this right until the grantee no longer needs the property in the project for which it was acquired. That need will be deemed to end on the date of completion or termination of the grant unless the grantee continues to conduct the project after that date and

demonstrates to the Director a continued need for the property in the project.

(d) The Director will issue disposition instructions within 120 days after completion of the need for the property under the project for which it was acquired. If instructions are not issued within such 120-day period, the grantee shall apply the applicable standards contained in § 1415.7(b) (1), (2), (3), and (c) (2).

(e) The grantee shall be entitled to reimbursement for any shipping and interim storage costs it incurs pursuant to the Director's disposition instructions.

§ 1415.11 Property management standards.

Grantees' property management standards for non-expendable personal property shall also include the following procedural requirements: (a) Property records shall be maintained accurately and provide for:

- (1) A description of the property;
- (2) Manufacturer's serial number or other identification number;
- (3) Acquisition date and cost;
- (4) Source of the property;
- (5) Percentage of Federal funds used in the purchase of the property;
- (6) Location, use, and condition of the property; and
- (7) Ultimate disposition data including sales price or the method used to determine current fair market value if the grantee reimburses the Federal Government for the Federal share.

(b) A physical inventory of property shall be taken and the results reconciled with the property records at least once every 2 years to verify the existence, current utilization, and continued need for the property.

(c) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft of non-expendable property shall be investigated and fully documented. The grantee shall be responsible for replacing or repairing, with funds of such grantee, property which is lost, damaged, or destroyed due to the negligence of the grantee.

(d) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(e) Proper sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

§ 1415.13 Expendable personal property.

(a) *Consumable materials and supplies.* The cost principles prescribed by Subpart C of Part 1405 of this subchapter provide, in effect, that the cost of consumable supplies or materials is allowable only to the extent that the supplies or materials are reasonably necessary to carry out the grant-supported project or program. Amounts in excess of need are therefore not allowable costs.

(b) *Other expendable personal property.* In many cases, items of expendable personal property (other than consum-

able supplies or materials) whose acquisition cost was borne in whole or in part by a grant have a useful life longer than the period of need on the project or program for which they were required. The grantee may at its option either retain or sell such items when no longer needed for any federally sponsored activity (including activities sponsored by other Federal agencies). However, compensation to the Federal Government shall be required if the aggregate fair market value of all such items acquired under the same grant exceeds \$500 when no longer needed for any federally sponsored activity. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project to the current fair market value of items retained, and to the sales proceeds of items sold.

§ 1415.14 Publications.

Any publication or presentation resulting from or primarily related to Federal financial assistance shall contain the following acknowledgment:

The activity which is the subject of this report was supported in whole or in part by the National Institute of Education, Department of Health, Education, and Welfare. However, the opinions expressed herein do not necessarily reflect the position or policy of the National Institute of Education, and no official endorsement by the National Institute of Education should be inferred.

§ 1415.15 Copyright.

(a) Where a project under a grant to a State or local government results in a book or other copyrightable material, the author or State or local government grantee is free to copyright the work, but the Director reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use the work for Government purposes.

(b) Copyright of any material produced or developed by a grantee other than a State or local government with the assistance of funds under this subchapter shall be claimed only (1) with the express written authorization of the Director and (2) according to such terms and conditions as the Director may require.

§ 1415.17 Patents and inventions.

(a) All inventions conceived or first actually reduced to practice in the course of or under a grant are subject to Parts 6 and 8 of this title. Each invention shall be promptly and fully reported to the Assistant Secretary for Health, Department of Health, Education, and Welfare.

(b) Determination as to ownership and disposition of rights to those inventions, including whether a patent application shall be filed, and, if so, the manner of obtaining, administering, and disposing of rights under any patent application or patent which may be issued shall be made either:

(1) By the Assistant Secretary for Health, Department of Health, Education, and Welfare, or

(2) Where the grantee has a separate formal institutional patent agreement with the Department, by the grantee in accordance with that agreement.

§ 1415.19 Determining percentage of participation.

(a) Various provisions in this subpart require a determination of the percentage of Federal (or grantee) participation in the cost of the project or program in order to compute the amount of compensation for the value, or proceeds from sale of property. In determining the applicable percentage, there shall first be deducted from the allowable costs incurred during the period for obligation, any royalties or other income (not including interest income or proceeds from sale of property) earned by the federally-supported project or program during the period for obligation.

(b) The deduction of income required by paragraph (a) of this section is independent of, and is not intended to control, the disposition of such income pursuant to Part 1409 of this subchapter.

PART 1417—FINANCIAL MANAGEMENT SYSTEMS

Sec.

1417.1 Scope of part.

1417.3 Standards.

AUTHORITY: Section 405 of the General Education Provisions Act, as added by section 301(a) (2) of Public Law 92-318, 86 Stat. 328 (20 U.S.C. 1221e); OMB Circular A-102, Attachment G.

§ 1417.3 Standards for grantee financial management systems.

This part prescribes standards for grantee financial management systems.

§ 1417.3 Standards for grantee financial management systems.

Grantee financial management systems shall provide for:

(a) Accurate, current, and complete disclosure of the financial results of each grant in accordance with Part 1419 of this subchapter. Except when specifically required by law, the Director will not require financial reporting on the accrual basis from organizations whose records are not maintained on that basis. However, when accrual reporting is required by law, organizations whose records are not maintained on that basis will not be required to convert their accounting systems to the accrual basis; they may develop the accrual information through an analysis of the documentation on hand or on the basis of best estimates.

(b) Records which identify adequately the source and application of funds for grant-supported activities. These records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(c) Effective control over and accountability for all funds, property, and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

(d) Comparison of actual with budgeted amounts for each grant. Also, rela-

tion of financial information with performance or productivity data, including the production of unit cost information whenever appropriate and required by the performance reporting requirements of the grant.

(e) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee, whenever funds are advanced by the Federal Government. When advances are made by a letter-of-credit method, the grantee shall make drawdowns from the U.S. Treasury through its commercial bank as close as possible to the time of making the disbursements.

(f) Procedures for determining the allowability and allocability of costs in accordance with the applicable cost principles referenced in Subpart C of Part 1405 of this subchapter.

(g) Accounting records which are supported by source documentation.

(h) (1) If the grantee is a State or local government, audits to be made by the grantee or at the grantee's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with the terms and conditions of the grant.

(2) The State or local government grantee shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once every two years, considering the nature, size, and complexity of the activity.

(3) Copies of audit reports provided for under this paragraph shall be made available to the Director to assure that proper use has been made of the funds expended. The results of such audits will be used to review the grantee's records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits.

(4) Grantees other than State or local governments are encouraged, but not required, to meet the standards set forth in subparagraphs (1) through (3) of this paragraph.

(i) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

PART 1419—FINANCIAL REPORTING REQUIREMENTS

Subpart A—Requirements for State and Local Government Grantees

- Sec.
- 1419.1 Scope of subpart.
 - 1419.2 Definitions.
 - 1419.3 Authorized forms and instructions.
 - 1419.4 Financial status report.
 - 1419.5 Report of Federal cash transactions.
 - 1419.6 Request for advance or reimbursement.
 - 1419.7 Outlay report and request for reimbursement for construction projects.
 - 1419.9 Request for supplementary Treasury checks.

Subpart B—Requirements for Grantees Other than State and Local Governments

- 1419.20 Financial reporting.

AUTHORITY: Section 405 of the General Education Provisions Act, as added by section

301(a)(2) of Public Law 92-318, 86 Stat. 328 20 U.S.C. 1221(e); OMB Circular A-102, Attachment H, unless otherwise noted.

Subpart A—Requirements for State and Local Government Grantees

§ 1419.1 Scope of subpart.

This subpart prescribes requirements for State and local government grantees to report financial information to the Director and to request advances and reimbursement when a letter-of-credit method is not used, and promulgates standard forms incident thereto.

§ 1419.2 Definitions.

As used in this subpart and in the forms identified by this subpart:

"Accrued expenditures" are the charges incurred by the grantee during a given period requiring the provision of funds for: (a) Goods and other tangible property received; (b) services performed by employees, contractors, and other payees; and (c) amounts becoming owed under programs for which no current services or performance are required.

"Accrued income" is the earnings during a given period which is a source of funds resulting from (a) services performed by the grantee, (b) goods and other tangible property delivered to purchasers, and (c) amounts becoming owed to the grantee for which no current services or performances are required by the grantee.

"Disbursements" are payments in cash or by check.

"Federal funds authorized" represents the total amount of the Federal funds authorized for obligations and establishes the ceiling for obligation of Federal funds. This amount may include any authorized carryover of unobligated funds from prior fiscal years.

"In-kind contributions" represent the value of noncash contributions provided by the grantee or third parties. In-kind contributions may consist of charges for real property and nonexpendable personal property, and value of goods and services directly benefiting and specifically identifiable to the federally supported activity. Unless otherwise authorized by Federal legislation, charges for property purchased wholly with Federal funds, and charges based on the Federal share of the value of property purchased partly with Federal funds, may not be considered as the grantee's in-kind contributions.

"Obligations" are the amounts of orders placed, contracts awarded, services received, and similar transactions during a given period, which will require payment during the same or a future period.

"Outlays" represent charges made to the project or program. Outlays may be reported on a cash or accrued expenditure basis.

"Program income" represents earnings by the grantee realized from the federally supported activities as a result of the grant. Such earnings exclude interest income and may include, but will not be limited to, income from service fees, sale of commodities, usage

or rental fees, sale of assets purchased with grant funds, and royalties on patents and copyrights. Program income may be reported on a cash or accrued income basis.

"Unobligated balance" is the portion of the funds authorized by the Director which has not been obligated by the grantee and is determined by deducting the cumulative obligations from the funds authorized.

"Unpaid obligations" represent the amount of obligations incurred by the grantee which have not been paid.

§ 1419.3 Authorized forms and instructions.

(a) Only those forms specified in §§ 1419.4 through 1419.7 inclusive, and such supplementary or other forms as may from time to time be authorized by the Director, may be used:

(1) For obtaining financial information from grantees for grant programs, or

(2) For requesting advances or reimbursements when letters of credit are not used.

(b) All applicable standard instructions promulgated for use in connection with the forms specified in §§ 1419.4 through 1419.7, inclusive, shall be followed.

(c) Grantees shall submit the original and two copies of the forms required pursuant to this subpart. However, the Director may waive the requirement for the second copy, or both copies, when not needed.

(d) The forms (with their instructions) specified in §§ 1419.4 through 1419.7, inclusive, will be available to the public upon request to the Director.

§ 1419.4 Financial status report.

(a) *Form.* State and local government grantees shall use the standard Financial Status Report prescribed by Attachment H of OMB Circular No. A-102 (HEW Form 601T) to report the status of funds for all nonconstruction projects. The Director may choose not to require the Financial Status Report when the Request for Advance or Reimbursement (see § 1419.6) is determined to provide adequate information to meet his/her needs, except that a final Financial Status Report is required at the completion of the grant when the Request for Advance or Reimbursement form is used only for advances.

(b) *Accounting basis.* Each grantee shall report outlays and program income on the same accounting basis, i.e., cash or accrued expenditure (accrual), which it used in maintaining its accounting records. The basis used by a grantee must be consistent for all grants.

(c) *Frequency.* For research project grants, reports shall be submitted annually, and a final report shall be submitted upon completion or termination of Federal support. For all other types of grants and contracts, the Director will prescribe the frequency of the report, considering the size and complexity of the particular program. However, the report will not be required more frequently than quarterly, or less frequently than annually, and a final report is re-

quired upon completion or termination of Federal support.

(d) *Due date.* When reports are required on a quarterly or semi-annual basis, they shall be due thirty days after the end of the specified reporting period. When required on an annual basis, they shall be due ninety days after the end of the grant year. Final reports shall be due ninety days after the completion or termination of Federal support. Justified requests from individual grantees for extension of reporting due dates will be approved whenever feasible.

§ 1419.5 Report of Federal cash transactions.

(a) *Form.* When funds are advanced to State and local government grantees through letters of credit or with Treasury checks, each grantee shall submit the Report of Federal Cash Transactions prescribed by Attachment H of OMB Circular No. A-102 (HEW Forms 602T, 603T). This report will be used to monitor cash advanced to grantees and to obtain disbursement or outlay information for each project from the grantees. The format of the report may be adapted as appropriate when reporting is to be accomplished with the assistance of automatic data processing equipment, provided that the information to be submitted is not changed.

(b) *Forecasts of Federal cash requirements.* Forecasts of Federal cash requirements may be required in the "Remarks" section of the report.

(c) *Cash in hands of secondary recipients.* When deemed necessary and feasible by the Director, grantees may be required to report in the "Remarks" section of the report the amount of cash advances in excess of three days' requirements in the hands of secondary recipients, and to provide short narrative explanations of actions taken by the grantees to reduce the excess balances.

(d) *Frequency and due date.* Grantees shall submit the Report of Federal Cash Transactions no later than fifteen working days following the end of each quarter. However, where a letter of credit authorizes advances at an annualized rate of one million dollars or more, the Director may require the reports to be submitted within fifteen working days following the end of each month.

(e) *Waiver.* The Director may waive the requirement for submission of the Report of Federal Cash Transactions when a grantee's monthly advances do not exceed \$10,000: *Provided*, That such advances are monitored through other forms authorized pursuant to this subpart, or the grantee's accounting controls are adequate to minimize excessive Federal Advances.

§ 1419.6 Request for advance or reimbursement.

(a) State and local government grantees shall submit their requests for advance payments or reimbursements under nonconstruction grants or contracts and their requests for advance payments under construction grants or contracts, on the Request for Advance or Reimbursement form prescribed by Attachment H of OMB Circular No. A-102

(HEW Form 604T) when letters of credit or predetermined automatic Treasury check advance methods are not used. Additionally, the Director may prescribe this form for construction grants in lieu of the Outlay Report and Request for Reimbursement for Construction Programs as specified in § 1419.7(d).

(b) Grantees will be authorized to submit no less often than monthly their requests for advances or reimbursement when letters of credit or predetermined automatic Treasury check advance methods are not used.

§ 1419.7 Outlay report and request for reimbursement for construction projects.

(a) *Construction grants paid by reimbursement method.* (1) Requests for reimbursement under construction grants shall be submitted on the Outlay Report and Request for Reimbursement for Construction Programs form prescribed by Attachment H of OMB Circular No. A-102. Director may, however, substitute the Request for Advance or Reimbursement form specified in § 1419.6 in lieu of this form when he/she determines that the former provides adequate information to meet his/her needs.

(2) Grantees will be authorized to submit no less often than monthly their requests for reimbursement under construction grants.

(b) *Construction grants paid by letter of credit or Treasury check advances.* (1) When a construction grant is paid by letter of credit or Treasury check advances, the grantee shall report its Outlays to the Director using the Outlay Report and Request for Reimbursement for Construction Programs form prescribed by Attachment H of OMB Circular No. A-102. In these cases, the grantee should leave blank those items on the form which are applicable only when requesting reimbursement, i.e., items 3, 5, 10, 11t, 11u, and 11v.

(2) In lieu of the certification and signatures in items 12, 12a, and 12b, the following certification, signed on behalf of the grantee by an authorized official of the grantee, shall be submitted to the Director with the outlay report:

I certify that to the best of my knowledge and belief the accompanying report is correct and complete and that all outlays reported therein are for the purposes set forth in the grant award documents.

Information as to percentage of project completion and certification thereof by the Government representative shall be submitted independently of the outlay report at such times and by such means as may be prescribed by the Director.

(3) Frequency and due date of the Outlay Report and Request for Reimbursement for Construction Programs shall be governed by § 1419.4 (c) and (d).

(c) *Accounting basis.* The accounting basis for the Outlay Report and Request for Reimbursement for Construction Programs shall be governed by § 1419.4(b).

(d) *Alternative forms.* For construction grants and contracts paid by the reimbursement method, or by Treasury check advances based on periodic requests from the grantee, the Director may substitute the Request for Advance or Reimbursement specified in § 1419.6 in lieu of the Outlay Report and Request for Reimbursement for Construction Programs. When any other payment method is used, the Director may substitute the Financial Status Report specified in § 1419.4.

§ 1419.9 Request for supplementary Treasury checks.

When the drawing authority for a specified period under a letter of credit is insufficient, the State or local government grantee may request a supplementary Treasury check payment by letter.

Subpart B—Requirements for Grantees Other Than State and Local Governments

§ 1419.20 Financial reporting.

Grantees other than State and local governments shall submit such financial reports containing such pertinent information and in accordance with such forms and instructions as the Director may specify, consistent with applicable policy of the Department and Federal Government.

PART 1420—BONDING AND INSURANCE

Sec.

1420.1 General.

1420.2 Construction and facility improvement.

1420.3 Loan guarantees.

AUTHORITY: Section 405 of the General Education Provisions Act as added by section 301(a)(2) of Public Law 92-318, 86 Stat. 338 (20 U.S.C. 1221e); OMB Circular A-102, Attachment B.

§ 1420.1 General.

Grantees shall observe their regular requirements and practices with respect to bonding and insurance. No additional bonding and insurance requirements will be imposed, including fidelity bonds, except as provided in §§ 1420.2 and 1420.3.

§ 1420.2 Construction and facility improvement.

The recipient of a grant which requires contracting for construction or facility improvement (including any grant which provides for alterations or renovations of real property) shall follow its own requirements and practices relating to bid guarantees, performance bonds, and payment bonds except for contracts exceeding \$100,000. For contracts exceeding \$100,000, the minimum requirements shall be as follows:

(a) *A bid guarantee from each bidder equivalent to five percent of the bid price.* The bid guarantee shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his/her bid, execute such contractual documents as may be required within the time specified.

(b) *A performance bond on the part of the contractor for 100 percent of the contract price.* A performance bond is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under the contract.

(c) *A payment bond on the part of the contractor for 100 percent of the contract price.* A payment bond is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

§ 1420.3 Loan guarantees.

Where in connection with a grant, the Director also guarantees the payment of money borrowed by the grantee the Director may, at his discretion, require adequate bonding and insurance if the bonding and insurance requirements of the grantee are not deemed to be sufficient to protect adequately the interests of the Federal Government.

PART 1422—CONSTRUCTION

Sec.	
1422.1	General.
1422.3	Title to site.
1422.5	Safety and health.
1422.7	Environmental impact.
1422.9	Reports.
1422.11	Casual activities.
1422.13	Commencement of construction.
1422.15	Cost-sharing and operational funds.
1422.17	Contracting.
1422.19	Copeland "Anti-Kick Back" Act.
1422.23	Contract Work Hours and Safety Standards Act.
1422.25	Supervision and inspection.
1422.27	Civil rights assurance.
1422.29	Federal access to records and work.
1422.31	Operation and maintenance.
1422.33	Access by the handicapped.
1422.35	Timeliness of work.
1422.37	Avoidance of flood hazards.
1422.39	Relocation assistance.
1422.41	Preservation of historic sites.
1422.43	Water pollution.
1422.45	Nondiscrimination.

AUTHORITY: Section 405 of the General Education Provisions Act, as added by section 301(a)(2) of Public Law 92-318, 86 Stat. 328 (20 U.S.C. 1221e); §§ 1422.17 through 1422.23 also issued under OMB Circular No. A-102, Attachment O, unless otherwise noted.

§ 1422.1 General.

(a) *Scope.* (1) It is the policy of the Institute that only limited funding will be available under section 405 of the Act for the support of construction. Construction activities will be approved for assistance under this subchapter, and the provisions of this part will apply, only when the Director decides that support of such activities is necessary to the effectuation of the purposes set forth in § 1400.3 of this subchapter.

(2) Except to the extent specifically provided in the terms and conditions of individual grant award documents, the provisions of this part are not intended to apply to minor remodeling.

(b) *Definition.* For the purposes of this section, the term "facilities" means one or more structures in one or more

locations, constructed pursuant to this section.

(c) *Manner of construction.* Such construction must be functional, undertaken in an economical manner, and not elaborate in design or extravagant in the use of materials in comparison with facilities of a similar type constructed in the State (or other applicable geographic area) within such period as may be designated by the Director as appropriate for the purposes of this part.

(d) *Conditions for assistance.* Where applications are submitted to the Director for projects which involve construction, Federal financial assistance for such construction shall be subject to the conditions specified in this subchapter.

§ 1422.3 Title to site.

The applicant shall have or will obtain a fee simple or such other estate or interest in the site, including access thereto, as is sufficient to assure undisturbed use and possession of the facilities for not less than the useful life of the facility.

§ 1422.5 Safety and health.

In planning for and designing facilities, the applicant shall observe local and States codes as well as the National Fire Protection Association (NFPA) Standard 101, (Life Safety Code) and standards adopted under the Occupational Safety and Health Act of 1970 (Public Law 91-576): *Provided, however,* That to the extent they are more stringent, State and local codes shall apply.

§ 1422.7 Environmental impact.

The applicant shall provide the Department Regional Office with an assessment of the impact of the project on the quality of the environment in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) and Executive Order No. 11514 (34 FR 4247); and will comply with such procedures in that regard as may be established by the Department.

§ 1422.9 Reports.

The applicant shall furnish progress reports and such other information relating to the proposed construction and the project as the Director may require.

§ 1422.11 Casual activities.

Reasonable provision shall be made, consistent with the other uses to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities.

§ 1422.13 Commencement of construction.

(a) Approval by the Director of the final working drawings and specifications shall be obtained before the proposed construction is advertised or placed on the market for bidding. (b) The construction shall be completed in accordance with the approved application, drawings, and specifications. (c) The applicant shall submit to the Director for prior approval changes that

materially alter the scope or costs of the project, use of space, or functional layout; and the applicant shall not enter into any construction contract for the proposed construction or a part thereof until the requirements of this subchapter and, in particular, Part 1414 of this subchapter and this subpart, have been met.

§ 1422.15 Cost-sharing and operational funds.

Sufficient funds shall be available to meet the non-Federal share of the cost of constructing the facility where applicable, and sufficient funds shall be available when construction is completed to assure effective operation and maintenance of the facility for the purposes for which constructed.

§ 1422.17 Contracting.

(a) Except as otherwise provided by State or local law, all contracting for construction including the purchase and installation of built-in equipment shall be on a lump sum fixed-price basis, and contracts shall be awarded in accordance with the procedural rules and substantive requirements set forth in Part 1414 of this subchapter.

(b) If one or more items of construction are covered by an established alternative procedure for awarding contracts, consistent with State and local laws and regulations, which is approved by the Director and is designed to assure construction in an economical manner consistent with sound business practice, such alternative procedure may be followed.

§ 1422.19 Copeland "Anti-Kick Back" Act.

All contracts for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). This Act provides that each contractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The grantee shall report all suspected or reported violations to the Director.

§ 1422.23 Contract Work Hours and Safety Standards Act.

Where applicable, all contracts awarded by grantees and subcontractors in excess of \$2,000 for construction contracts and in excess of \$2,500 for other contracts which involve the employment of mechanics or laborers shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of the standard workday or workweek is permissible: *Provided,* That the worker is compensated at a rate of not less than 1½ times

the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction, safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

§ 1422.25 Supervision and inspection.

The applicant shall provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms to the approved drawings and specifications.

§ 1422.27 Civil rights assurance.

If an assurance of compliance with Title VI of the Civil Rights Act of 1964 (Form HEW 441) applying to the facility described in the application has not been filed, such an assurance shall be attached to the application.

(42 U.S.C. 2000d)

§ 1422.29 Federal access to records and work.

Representatives of the Federal Government shall have access at all reasonable times to the grantee's records and to work whenever it is in preparation or progress, and the contractor shall be required under the contract to provide proper facilities for such access and inspection.

§ 1422.31 Operation and maintenance.

The facility shall be operated and maintained in accordance with the requirements of applicable Federal, State, and local agencies for the maintenance and operation of such facilities.

§ 1422.33 Access by the handicapped.

The applicant shall require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A117.1-1961, as modified by other standards prescribed by the Secretary or the U.S. Administrator of General Services. (41 CFR 101-17.703) The grantee shall be responsible for conducting inspections to insure compliance with these specifications by the contractor.

§ 1422.35 Timeliness of work.

The applicant shall cause work on the project to be commenced within a reasonable time after receipt of notification from the Director that funds have been awarded, and the project shall be prosecuted to completion with reasonable diligence.

§ 1422.37 Avoidance of flood hazards.

In the planning of the construction of facilities involving the use of Federal

funds, the recipient shall, in accordance with the provisions of Executive Order No. 11296 of August 10, 1966 (31 FR 10663) and such rules and regulations as may be issued by the Secretary to carry out those provisions, evaluate flood hazards in connection with such facilities and, as far as practicable, avoid the un-economic, hazardous, or unnecessary use of flood plains in connection with such construction.

§ 1422.39 Relocation assistance.

Projects receiving Federal financial assistance pursuant to this section are subject to the regulations on Relocation Assistance and Real Property Acquisition policies contained in Part 15 of this title.

§ 1422.41 Preservation of historic sites.

Each application for Federal financial assistance for construction shall describe the relationship to and the probable effect, or lack of effect, on any district, site, building, structure, or object that is included in the National Register of Historic Preservation of the National Park Service and published with periodical updates in the FEDERAL REGISTER. Such information is to be furnished to the Department of Health, Education, and Welfare to enable it to take into account such an effect and to consider the comments thereon of the Advisory Council of Historic Preservation, prior to providing such Federal financial assistance, as required by section 106 of Public Law 89-665 (16 U.S.C. 470f).

§ 1422.43 Water pollution.

The recipient shall comply with Executive Order No. 11288 of July 7, 1966. (31 FR 9261), "Prevention, Control, and Abatement of Water Pollution."

(E.O. No. 11288)

§ 1422.45 Nondiscrimination.

Construction contracts shall include the applicable provisions of Executive Order No. 11246, as amended by Executive Order No. 11375 (nondiscrimination in construction contract employment), and the applicant shall otherwise comply with the requirements of section 301 of said Executive order.

(E.O. Nos. 11246, 11375)

PART 1424—ACCOUNTABILITY FOR FEDERAL FUNDS

Sec.	
1424.1	Closeout.
1424.2	Unexpended funds.
1424.4	Withholding of funds.
1424.6	Waiver of law prohibited.
1424.8	Termination and suspension for cause.
1424.10	Termination on other grounds.

AUTHORITY: Sec. 405 of the General Education Provisions Act, as added by section 301 (a) (2) of Public Law 92-318, 86 Stat. 328 (20 U.S.C. 1221e), unless otherwise noted.

§ 1424.1 Closeout.

(a) "Closeout" means the process by which the Director determines that all applicable administrative actions and all required work of the grant have been

completed by the grantee and the Director.

(b) In closing out grants, the following shall be observed:

(1) Upon request, the Director shall make, or arrange for, prompt payment to the grantee for allowable reimbursable costs not covered by previous payments.

(2) The grantee shall immediately refund to the Federal Government, or otherwise dispose of in accordance with instructions from the Director, any unencumbered balance of cash advanced to the grantee.

(3) In addition to such other accounting as the Director may require, the grantee shall:

(i) Render, with respect to the project, a full account of funds expended, obligated, and remaining; and

(ii) Submit a report of such accounting to the Director within 90 days of the expiration or termination of the grant, and the grantee shall remit within 30 days of the receipt of a written request therefor any amounts found by the Director to be due. Such periods may be extended at the discretion of the Director upon written request of the grantee.

(4) The Director will make a settlement for any upward or downward adjustment of the Federal share of costs to the extent called for by applicable statutes, regulations, or the terms and conditions of the grant.

(5) In the event a final audit has not been performed prior to the closeout of the grant, the Director shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

(c) The provisions of Part 1415 of this subchapter shall be observed by the grantee in accounting for any property acquired with grant funds, or received from the Federal Government in connection with the grant.

(31 U.S.C. 628; OMB Circular No. A-102, Attachment L)

§ 1424.2 Unexpended funds.

In the event that the amounts previously awarded have not been obligated pursuant to the approved project, and in the judgment of the Director, will not be obligated for such purposes, the Director may, upon notice to the grantee, reduce the amount of the grant to an amount consistent with the grantee's needs pursuant to § 1424.8.

§ 1424.8 Withholding of funds.

The award of a grant, and any payment pursuant thereto, shall not be deemed to waive the right of the Director to withhold funds by reason of the failure of a grantee to observe, either before or after such administrative action, any Federal requirements.

§ 1424.6 Waiver of law prohibited.

No official, agent, or employee of the Institute or the Department of Health, Education, and Welfare shall have the authority to waive or alter any provision of the regulations in this chapter (except through amendment by publication in

the FEDERAL REGISTER or other relevant statute or regulation, and no action or failure to act on the part of such official, agent, or employee shall operate in derogation of the Director's right to enforcement of such provisions in accordance with their terms.

(43 Dec. Comp. Gen. 31 (1963))

§ 1424.8 Termination and suspension for cause.

(a) *Termination.* Grant assistance provided by the Institute under section 405 of the Act may be terminated in whole or in part if the Director determines, after affording the grantee reasonable notice of intent to terminate and an opportunity to present its position, that the grantee has failed to carry out its approved project proposal in accordance with the applicable law and the terms of such assistance or has otherwise failed to comply with any law, regulation, assurance, term, or condition applicable to the grant.

(b) *Notice of termination.* Proceedings with respect to the termination of the grant shall be initiated by the mailing of a notice to the grantee setting forth the basis of the proposed termination and the procedures available to the grantee under this section and Part 16 of this title.

(c) *Suspension of assistance.* Subject to paragraph (f) of this section, assistance may be suspended during the pendency of a termination proceeding initiated pursuant to this section.

(d) *Notice of suspension.* If the Director determines that suspension of assistance during the pendency of a termination proceeding is necessary, notice of the suspension shall be mailed to the grantee (which may be included in the notice of termination). The notice of suspension shall: (1) Inform the grantee of that determination, (2) advise the grantee of the effective date of the suspension (which will be no earlier than the date of the notice of termination), and (3) offer the grantee an opportunity

to show why such action should not be taken.

(e) *Effect of notice of suspension.* (1) The notice required under paragraph (d) of this section shall advise the grantee that no new expenditures or obligations made or incurred in connection with the grant during the period of the suspension will be recognized by the Government in the event that assistance is ultimately terminated.

(2) Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the grantee's approved project, and not in anticipation of suspension or termination, will not be considered new expenditures.

(f) *Opportunity to show cause.* If the grantee requests an opportunity to show cause why a suspension of assistance should not be continued or imposed, the Director will, within 7 days after receiving such request, hold an informal meeting for that purpose at a site selected by the Director.

(g) *Grant appeals board.* (1) The grantee may appeal the Government's decision to terminate the grant by submitting an application for review to the Departmental Grant Appeals Board pursuant to Part 16 of this title.

(2) Either the grantee or the Director may request an informal meeting regarding the proposed termination, but for the purposes of § 16.5(b)(2) of this title, the grantee shall be deemed to have exhausted the Institute's informal procedures upon its receipt of the notice of termination.

(h) *Effective date of termination.* Termination of assistance under this section will be effected by the delivery to the grantee of the notice of termination under paragraph (b) of this section; or, where the grantee invokes the procedures available under paragraph (g) of this section, upon a final decision under § 16.10 of this title.

(i) *Effect of termination.* (1) In the event assistance is terminated under this section, financial obligations incurred by

the grantee prior to the effective date of such termination will be allowable to the extent they would have been allowable had such assistance not been terminated, except that (i) no obligations incurred during the period in which such assistance was suspended and no obligations incurred in anticipation of suspension or termination will be allowed and (ii) the grantee shall cancel as many outstanding obligations as possible.

(2) Within 60 days of the effective date of termination of assistance under this section, the grantee shall furnish an itemized accounting of funds expended, obligated, and remaining. Within 30 days of a request therefor, the grantee shall remit to the Institute any accounts found due.

(31 U.S.C. 628; OMB Circular No. A-102, Attachment L)

§ 1424.10 Termination on other grounds.

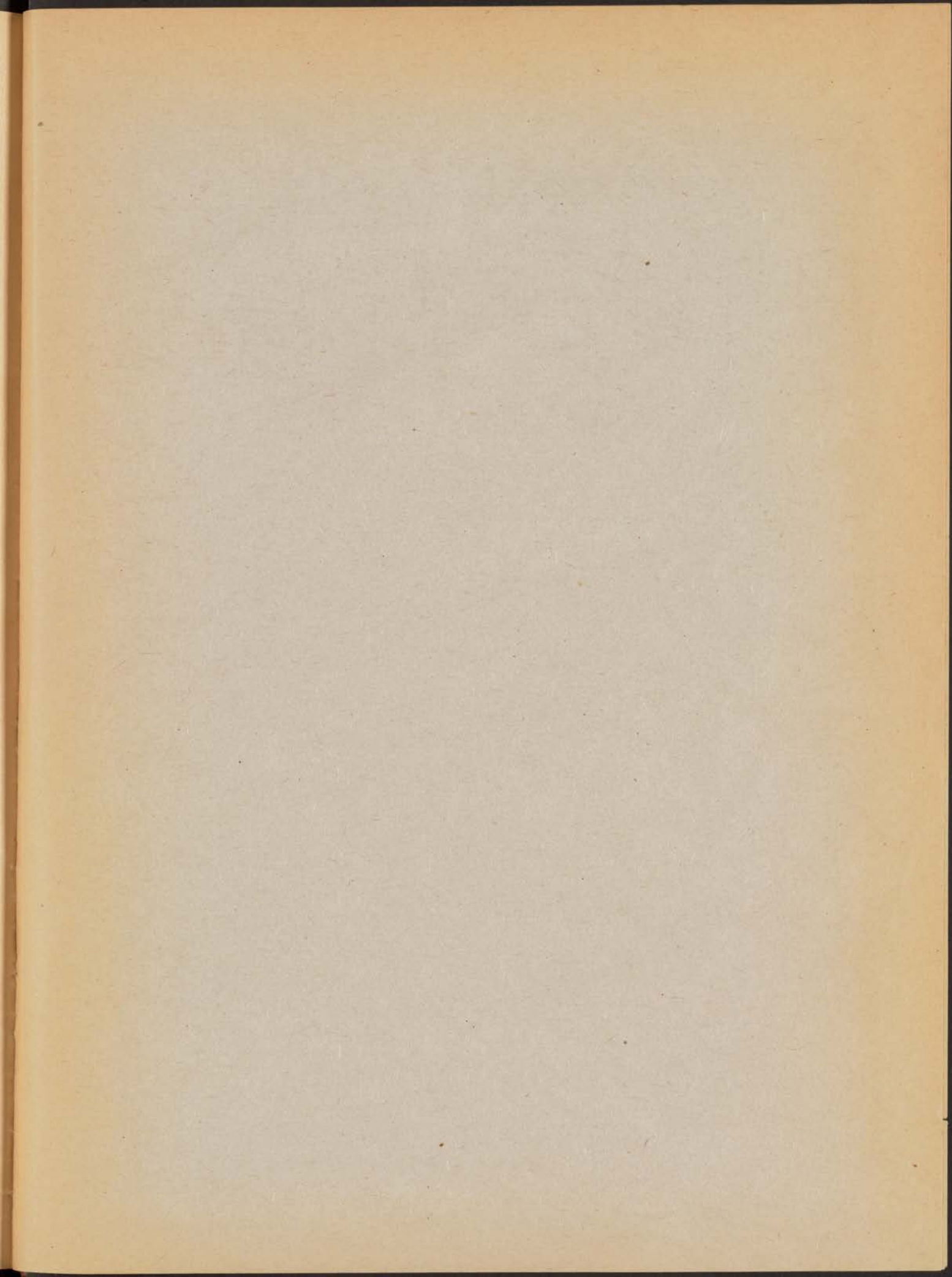
(a) Except as provided in § 1424.8, grants may be terminated in whole or in part only as follows:

(1) By the Director with the consent of the grantee, in which case the two parties shall agree upon the termination conditions, including the effective date and in the case of partial terminations, the portion to be terminated, or

(2) By the grantee, upon written notification to the Director, setting forth the reasons for such termination, the effective date, and in the case of partial terminations, the portion to be terminated.

(b) When a grant is terminated pursuant to paragraph (a) of this section, the grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Director shall allow full credit to the grantee for the Federal share of the noncancellable obligations properly incurred by the grantee prior to termination.

[FR Doc.74-25350 Filed 11-1-74;8:45 am]



NOTICE TO FEDERAL REGISTER READERS

As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

Our goal is twofold:

First—to make each document published in the FEDERAL REGISTER easily understandable, thus making compliance easier, more efficient, and less costly; and

Second—to identify and correct any existing Federal regulations which are obsolete, unnecessarily wordy, or unclearly stated.

We believe this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The Office of the Federal Register welcomes your comments and suggestions. The survey blank below is provided for that purpose. All comments received will be maintained in a public docket and will be available for inspection in the Office of the Federal Register to any interested persons or agencies. Comments which point out the need for substantive changes in existing regulations also will be forwarded to the responsible agency.

I. For the following reasons I found it difficult to understand the document from _____ in column _____, page _____ of the _____ issue of the _____
(agency) (date)

FEDERAL REGISTER:

- ☐ only technical language was used; ☐ document contained long and difficult sentences;
☐ preamble did not contain a clear and concise explanation of the document's purpose;
☐ other (explain) _____

II. I believe that the requirement(s) contained in:

A. The document from _____ in column _____, page _____ of the _____
(agency)

_____ issue of the FEDERAL REGISTER, or
(date)

B. Section(s) _____ of Title _____ of the CODE OF FEDERAL REGULATIONS

impose(s) an: ☐ unnecessary; ☐ unreasonable; ☐ impractical; or ☐ obsolete
requirement on those persons subject to that regulation.

My reasons are: _____

III. (Optional) I suggest that the provision(s) mentioned above be rewritten as follows: _____

Please mail to:

Office of the Federal Register
National Archives and Records Service
General Services Administration
Washington, D.C. 20408

Name and address (optional) _____